

In Memoriam

Louis Massignon, † 31 October 1962  
Henri Laoust, † 12 November 1983  
Louis Gardet, † 17 July 1986

Ibn 'Aqil

Religion and Culture in Classical Islam

George Makdisi

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## PREFACE

Ibn 'Aqil has already been the subject of a book published in 1963, in which he was treated in his milieu of eleventh-century Baghdad. In the Foreword of that book, I announced that a study of his thought would be the subject of another book at a future date. The long postponement was made necessary by the state of Ibn 'Aqil's works, in the early 1950s, when research for the first book was undertaken. Since that time, I have found some of his minor works and published them: *Kitāb al-Jadal 'alā tariqat al-fuqahā'* ('The Book of Dialectic According to the Method of the Jurisconsults'), and a series of four brief articles on the divine attribute of speech, carrying the title *ar-Radd 'alā l-Ashā'ira al-'uzzāl wa-ithbāt al-harf wa 's-saut fi kalām al-Kabir al-Muta'āl* ('Refutation of the Neo-Mu'tazili Ash'aris and Affirmation of the Sounds and Letters in the Speech of God, the Magnificent, the Sublime'). Of his major works, the only one that has come down to us, complete, is the *Wādih fi uṣūl al-fiqh*, on the theory and methodology of the law. It consists of four books, the first of which is in press. The *Kitāb al-Funūn* is the most significant of all his works, as regards its size and the variety of its subjects, both scholastic and humanist; it is a monumental work of two hundred volumes or more, and constitutes, with the *Wādih*, the most famous of his works, according to his biographers. Only one of its volumes is extant, in a manuscript in Paris, which I published in two parts.

The major concern of the present book on Ibn 'Aqil is the study of the main currents of his thought, based on the *Wādih*, the *Funūn*, and what I could find quoted in the works of later authors, in manuscript and in print, since the 1950s. Passages of another major work, his (inextant) *Irshād fi uṣūl ad-dīn*, on theology, are quoted in works of Ibn Taimiya and in the *Tuhfah* of Yusuf Ibn 'Abd al-Hadi, in the latter manuscript. Not all the materials, found in the pages of authors who cited him, have been used in the present study. The translated excerpts not cited in the present work will, God willing, be submitted for eventual publication, both Arabic text and translation. Because of the present state of the sources, the book now being offered to readers is far from being complete on this important religious intellectual. It is only a beginning, which will no doubt be superseded when more of his works are edited and made available for study. It is, nevertheless, a study of what I have found to be essential in Ibn 'Aqil's scholasticism and humanism. Despite the loss of the bulk of his writings, what has survived is sufficient to give us what I believe to be the essence of the main currents of his thought as a scholastic and humanist.

The state of Ibn 'Aqil's works does not enable us to establish their sequence: their chronology was unknown to Ibn Qudama in his *Tārīhim*, in

the century following that of Ibn 'Aqil. The *Wādīh* and the extant volume of the *Funūn* belong to the latter part of Ibn 'Aqil's life. The published volume of the *Funūn* belongs to the year 510/1116, three years before his death. This work also belongs to the maturer years of his life; it comes after two great works, of which it is a distillation. Similar in size to the *Summa Theologiae* of Aquinas, like that work, it represents in written form the 'scholastic method' of the scholastic movement, and, as will be seen, contains the complete essential syllabus of the programme for higher learning in scholasticism. In it, Ibn 'Aqil refers to a deceased colleague: al-Mutawalli is known to have died in 478/1086. The *Wādīh*, destined for student-jurisconsults beginning or ending their graduate studies, is the work of Ibn 'Aqil the mature scholar. Such also was *al-Kifaya* of his professor, Qadi Abu Ya'la, and *al-Mustasfa* of his contemporary, Ghazzali. The last two authors wrote earlier works, which were their doctoral theses, i.e. *ta'liqas* (for which see *ROC*, 127), earning for them the *ijazat at-tadrīs*, the 'licence to teach', the original name for the doctorate: Abu Ya'la's *al-'Uddā* ('The Instrument' or 'Tool') and Ghazzali's *al-Mankhūl* ('The Sifted'), written in their mid-thirties (for *al-'Uddā*, see *GAL*, I, 502, where *al-'Uddā*, not *al-'Idād*, written in AH 428 when he was thirty-eight; and for Ghazzali, see *ROC*, 127). Ibn 'Aqil's thirties, when he would have been writing such a work, was a period of trouble with Sharif Abu Ja'far, during which he was pursued, persecuted, and exiled. Of this period we know nothing except what we can learn from the fragment of Ibn al-Banna's *Diary*. Thus the *Wādīh* was a work of mature years; so also the collected pasages, the *'Aqiliāna*.

These are the sources relied on for the thought of Ibn 'Aqil. Ibn Qudama's *Tahrīm*, written in refutation of Ibn 'Aqil, is unfortunately of little value in throwing light either on Ibn 'Aqil's works or on his statements; for neither the former nor the latter are analysed, or cited so as to be identified. What can be gathered from the *Tahrīm* is Ibn 'Aqil's attitude with respect to authority, and to the quarrel between the Ancients and the Moderns, an attitude Ibn 'Aqil makes perfectly clear in the *Funūn*. A study of the two major works of Ibn 'Aqil and the *'Aqiliāna* will, I believe, illuminate the essentials of his thought, his place in the movement of scholasticism, and his contribution to it.

The dearth of available sources was not the only impediment to the study of Ibn 'Aqil's thought back in the 1950s. The more I learned from research into his intellectual culture in general, and his curriculum vitae in particular, the less it appeared in harmony with the structure of the organisation of learning as found in works published on Islamic education by the 1950s. It became necessary to know the institutions of learning that produced Muslim intellectuals such as Ibn 'Aqil and Ghazzali, Qadi Abu Ya'la, Kalwadhani, and Ibn az-Zaghuni. It was not until I had researched and published *The Rise of Colleges* and *The Rise of Humanism* that I could venture to fulfil the promise made in the Foreword of my first book, *Ibn 'Aqil*, p. ix.

The century of Ibn 'Aqil is a pivotal period in religious thought and in the development of institutions of higher learning. His biography sheds light on one of the most important periods of classical Islam: one which has had its impact on religion as well as intellectual development in the Christian Latin West, as has been shown in some of my other previous studies, for example, 'The Islamic Doctorate and the Magisterium of the Christian Church' (in *RLL*, no. XIII, p. 177f.). Ibn 'Aqil was a product of that period, a microcosm of the world of Islam in Baghdad, a man whose religious beliefs and orientation were forged in the crucible of conflict between the two opposing camps of Rationalism and Traditionalism. His thought is the product of his attempt to reconcile reason and revelation. When he was born, the victory of Traditionalism had been achieved, and Rationalism had long lost its political support, though not its appeal to intellectuals of both camps. Ibn 'Aqil had to resolve that conflict in his own mind, indeed in his own person, for he was himself the product of rival intellectual forces deriving from his family background and his professional career in higher learning.

The present work, which draws on some of my previous studies, focuses on the specific contribution made by Ibn 'Aqil to the fields of scholastic intellectual culture and humanism. The text is divided into three parts. Part One deals with the life and times of Ibn 'Aqil, focusing on two official documents, a Retraction and a caliph's Creed, and their impact on both Ibn 'Aqil and his period. This part does not replace my first book on Ibn 'Aqil and his milieu; it makes extensive use of it, and supplements it. The study of Ibn 'Aqil's Retraction is resumed here, in an attempt to shed new light on an event that had a profound impact on his life. Part Two deals with the rise of the legal guild, the scholastic movement, and the main currents of Ibn 'Aqil's juridico-theological thought. This part, divided into three sections, deals with the organisation of professional higher learning, three theologies, and the main currents of Ibn 'Aqil's religious thought. It focuses on the *Wādīh* and the two methods of *uṣūl al-fiqh*, and considers what makes the *Wādīh* original and unique in this field. It is perhaps in this area, more than any other, that Ibn 'Aqil makes his greatest contribution to his century. Part Three, in two sections, deals with humanism and government, and humanist disciplines and topics. It considers Ibn 'Aqil's thought, examining the keen observations and criticisms which mirror the age in which he lived. It is here that I let Ibn 'Aqil speak for himself.

As I became more familiar with Ibn 'Aqil's life, times and thought, his place in history and his century assumed a greater significance, reaching beyond the borders of the classical Islamic world into that of the Christian West. Whilst transcribing his *Wādīh*, a *summa* on law and theology, preparing it for publication, it gradually dawned on me that his method of presentation was almost identical to that of St Thomas Aquinas in his *Summa* on theology and law. A study followed, to be developed later in *The Rise of Colleges*, and other works, examining the rise of the scholastic movement in

Baghdad in relation to parallel movements in the Christian West. As a result of the close relationship between scholasticism and humanism in classical Islam, that book inevitably led to another, *The Rise of Humanism*.

From the present work, it will be seen that Ibn 'Aqil and St Thomas Aquinas are kindred spirits in as much as they are both intellectuals exploring scholasticism, who shared common ground in some basic aspects of Aristotelian thought. However, due to the present state of the sources, it would be quite impossible to make an adequate comparative study of these two religious intellectuals. The great part of Ibn 'Aqil's works is inextant; but even if they were available, it is not certain that these works would reflect the full extent of his knowledge of theology and philosophy; and even if they did, he would still be at a disadvantage to St Thomas, who lived a century and a half later, and, thanks to translations directly from the Greek by his fellow-Dominican, William of Morbeke, came into direct contact with works of Aristotle. Nevertheless, Ibn 'Aqil and St Thomas, the Muslim and the Christian, remain surprisingly close in their thinking, each emerging, in his own century, as an outstanding figure who brought scholasticism to its highest point of achievement.

Arabic terms and proper names are given in the text without diacritics; these are supplied in the index. Dates are given for both the Muslim and Christian eras, the latter cited first only when in reference to a Christian, for example, St Thomas Aquinas, St Bonaventure. The following abbreviations have been used in the text (others, for Islamic names, are given at the beginning of the Index): b. = ibn; c. = circa; d. = died; fl. = floruit; fol. = folio (a = recto, b = verso); pl. = plural; sg. = singular.

I wish to express my thanks and warm appreciation to Dr Carole Hillenbrand, who originally invited me to contribute a book for publication by Edinburgh University Press. I also thank the editorial team, especially Jane Feore, Ann MacDougall and Katharine Coates for preparing the manuscript for publication. My special thanks are due to Edinburgh University Press for its reception of this book which, when added to the previous two *Rises*, constitutes in effect a trilogy on Ibn 'Aqil and his century. To all past and present members of staff at EUP who have given their invaluable assistance in the process of publishing these works, I offer my sincere and heartfelt gratitude.

In my work on classical Islam, I am deeply indebted to eminent scholars in the field, especially those who realised the importance of studying Islam from within. Among these people, I wish to mention Louis Massignon, who first brought to my attention both Ibn 'Aqil and the importance of studying *usūl al-fiqh*; Henri Laoust, who guided my steps in the study of Hanbalism and provided an excellent model in the study of Ibn Taimiya's thought; and Louis Gardet, who, like Massignon, sensed the importance of the science of *usūl al-fiqh*. To the memory of these masters, I dedicate this book.

## Part One

### Ibn 'Aqil: His Life and Times

## SECTION ONE THE RETRACTION AND THE QADIRI CREED

### I. IBN 'AQIL'S PUBLIC RETRACTION OF 465/1072

The Retraction is the central event of Ibn 'Aqil's life, its causes and consequences deeply etched in his memory. It is a watershed in his development as an intellectual, separating the exuberance of his youth from the wisdom of his maturity. It was the price he had to pay for his life and eventual freedom. It ended a seven-year period of conflict within the Hanbali legal guild. Not until the death of his accuser, *Sharif Abu Ja'far* (d. 470/1077), was he free to resume his professorial teaching.

The motivation for pursuing Ibn 'Aqil had its origin in the succession to the professorial chair in the Mosque (please note the convention used in this work whereby 'Mosque' denotes *jami'* and 'mosque', *masjid*) of al-Mansur, left vacant by the death of Qadi Abu Ya'la (d. 458/1065), Professor of Law to both the *Sharif* and Ibn 'Aqil. The death of Abu Mansur Ibn Yusuf (d. 460/1067), patron-protector of Ibn 'Aqil, allowed the *Sharif* to resume his pursuit of Ibn 'Aqil, accusing him of Mu'tazilism. In 461/1068, an agreement was concluded between the *Sharif* and Abu 'l-Qasim Ibn Ridwan (d. 474/1082), the son-in-law of Abu Mansur, regarding Ibn 'Aqil. Its terms remain unknown; Ibn al-Banna', diarist of the events surrounding the case, passes over them in silence. In 465/1072, the Retraction was signed by five witness-notaries, *shuhūd*, who attest to Ibn 'Aqil's signature and public reading of the Retraction. Between 461/1068 and 465/1072, Ibn 'Aqil lived in exile, confined to the Quarter of the Gate of Degrees, a sacrosanct place of asylum (*harīm*).

#### 1. Text of the Retraction

On Monday, 8 Muharram 465 (24 September 1073), at the *masjid*-college of *Sharif Abu Ja'far*, in the Mu'allā Canal Quarter, on Baghdad's east side, Ibn 'Aqil read the Retraction before a great assembly. Two days later, notary-witnesses appended their signatures to the document, in the caliphal Chancery of State. It was a standard text, the blank spaces of which were filled in for the accused. It was a 'vow of repentance' (*tauba*) not to relapse

into the sins confessed. The text, authenticated by a chain of transmitters, is as follows:

I purify myself, before God, of the doctrines of the heretical innovators, Mu'tazilis and others; of frequenting the masters of this doctrinal system; of venerating its partisans; of invoking the mercy of God on their predecessors; and of emulating them. What I have written, and what has been found written in my hand concerning their doctrines and their errors, I repent to God for having written. It is not permitted to write those things, nor to say them, nor to believe them.

Among the things which I have transcribed is a disputed question regarding the night. Some say it consists of black bodies. But I said, 'What I have heard said by *Shaikh Abu 'Ali* [Ibn al-Walid] is correct,' he had said, 'It is nothingness, and one can in no way call it a body, nor anything else.' And I believed that. But I repent to God – Exalted is He above all! – in renouncing them [the Mu'tazilis].

I believed in al-Hallaj as a religious man, an ascetic, and a saint; and I maintained that opinion in a fascicle (*juz'*) which I composed. But I repent to God – Exalted is He! – in renouncing him. I attest that he was put to death as a result of the consensus of the jurisconsults of the time, and that they were right, and he was wrong.

With this, I ask God's forgiveness, and I turn to Him in penitence for having frequented the heretical innovators, Mu'tazilis and others; for having sought to emulate them; for having invoked God's mercy on them; and for having venerated them. For all of that is prohibited; a Muslim is not permitted to do this, because of what the Prophet has said – the blessings and peace of God be upon him!: 'He who venerated the author of a condemnable innovation helps in bringing about the ruin of Islam.'

The *Sharif Abu Ja'far*, and his companions, masters and partisans, my superiors and my colleagues – May God the Exalted protect them! – rightly blame me, seeing what they have witnessed written in my hand in works of which I purify myself before God. I am certain that I was wrong, that I was not right.

Should anything become known of me which would be at variance with this document and this confession, the *Imām* of the Muslims shall have the right to punish me in accordance with the exigencies of the divine law, that is, reprimand, punishment, exile, or other punishments.

I call on God, on His angels, and on the men of religious learning, to witness what I have just said voluntarily and without constraint. The sentiments of my heart are in complete accord with the expressions of my mouth – May God the Exalted be the Judge! God has said, 'For repetition God will exact from him the penalty. For God is Exalted, and Lord of retribution [Qur.5:98].'<sup>1</sup>

## 2. Its Witness–Notaries

On 10 Muharram 465 (26 September 1073), in the presence of Prime Minister Ibn Jahir, Ibn 'Aqil signed the Retraction in the Chancery of State. The names of the witness-notaries and their signed statements, attesting to the fact that Ibn 'Aqil read and signed the Retraction in their presence, are preserved by a fellow-Hanbali jurisconsult of the following century, Ibn Qudama (d. 620/1223), in his *Tahrīm*, a work in refutation of Ibn 'Aqil:

1. The confessant has asked me to witness his having confessed all that is contained within the scope of this document. Signed: 'Abd Allah Ibn Ridwan, in the month of Muharram, in the year 465.<sup>2</sup>
2. He called on me to witness the same. Signed: Muhammad b. 'Abd ar-Razzaq b. Ahmad b. as-Sinni, on the same date.<sup>3</sup>
3. The confessant has asked me to witness his having confessed all that is contained within the scope of this document. Signed: al-Hasan b. 'Abd al-Malik b. Muhammad b. Yusuf,<sup>4</sup> in his own handwriting.
4. I heard the utterance of this confession by the confessant himself. Signed: Muhammad b. Ahmad b. al-Hasan.<sup>5</sup>
5. The confessant asked me to bear witness of the same against him. Signed: 'Ali b. 'Abd al-Malik b. Muhammad b. Yusuf.<sup>6/7</sup>

Four witness-notaries were related to Ibn 'Aqil's patron, Abu Mansur Ibn Yusuf: two sons (numbers 3 and 5), and two sons-in-law (numbers 1 and 4). The fifth, not directly related to Abu Mansur, was Ibn as-Sinni (number 2), whose son-in-law was an employee of Ibn Jarada (d. 476/1083), the other son-in-law of Abu Mansur.<sup>8</sup> Thus all witnesses were connected with the family of Abu Mansur, of which Ibn 'Aqil was an adoptive member.

## 3. Import and Significance of the Retraction

The Retraction is the only known document of its kind, preserved in its entirety, in classical Islam. An important source for the understanding of Ibn 'Aqil's century, it reflects the ascendancy of Traditionalism in Baghdad, the cultural centre of the Islamic world.

<sup>1</sup> On the basis of the edicts of Caliph al-Qadir (*caliphate*: 381–422/991–1031), and of his Qadiri Creed, discussed below, Ibn 'Aqil could be accused of Mu'tazilism and *fatiwās* could be issued, calling for his execution unless he recanted. The preservation of the Retraction is due to its Traditionalist transmitters, members of the Hanbali legal guild,<sup>9</sup> of which Ibn 'Aqil was a member.

#### 4. Hanbali Historians and Ibn 'Aqil

Except for one, each of the historians appears to have had some bias in transmitting the text of the document: (1) Ibn al-Banna', author of the *Diary*, hostile towards Ibn 'Aqil; (2) Ibn al-Jauzi (d. 597/1200), author of the *Muntazam*, anti-Hallaj; (3) Ibn Qudama, author of the *Tahrīm*, hostile; (4) Ibn Rajab (d. 795/1393), author of the *Dhā'il*, critical; (5) Sibt Ibn al-Jauzi (d. 654/1257), author of the *Mir'at*, a Hanafi, grandson of Ibn al-Jauzi.

The *Diary* of the contemporary Ibn al-Banna' is likely to be the original source of the entire document, including the dates and the names of the witness-notaries. There is no way of confirming this; the extant fragment covers only the last three months of 460 and almost the whole of 461. It begins several months after the start of the affair, and ends over three years before the signing of the Retraction. It thus covers only part of the first phase of the case, and ends with Ibn 'Aqil's exile. Nonetheless, it affords us a precious glimpse into the interrelations of the players, and the roles they played in this drama within the Hanbali legal guild.

The diarist, an observer and participant in the affair, received reports from his informants on Ibn 'Aqil's activities. His position was a delicate one; while biased in favour of the *Sharif*, the accuser, he was beholden to the family of Abu Mansur, Ibn 'Aqil's protector, as he had been engaged by the latter's son-in-law, Ibn Jarada, to tutor his children, and to perform ritual prayers periodically over the grave of his brother.

On the other hand, Ibn al-Jauzi was biased in favour of Ibn 'Aqil, whom he greatly admired and strove to emulate, and to whose ideas he generally subscribed. Although he was criticised for following Ibn 'Aqil by adopting the metaphorical interpretation of Scripture, he often disagreed with him. Anti-Hallaj, he gives the entire text of the Retraction, including the part on Hallaj, the date of Ibn 'Aqil's signing of the document, the fact that it was witnessed, but not the names of the witnesses.

In contrast to Ibn al-Jauzi, Ibn Qudama was in favour of Hallaj; but his bias against Ibn 'Aqil is amply illustrated in the *Tahrīm*, where he erroneously accuses him of being an Ash'ari. Yet he shows himself to be tolerant, stating that Ibn 'Aqil should be considered orthodox in his post-Retraction period. A Qadiri Sufi, he perhaps felt that Ibn 'Aqil was forced to condemn Hallaj, but kept secret his true feelings regarding the great mystic. Sole source for the names of the witness-notaries, Ibn Qudama received his information from Ibn Tabarzad (d. 607/1210), who had it from a contemporary source.<sup>10</sup>

Ibn Rajab, an admirer of Ibn 'Aqil for his intellectual breadth, devotes to him an elaborate and highly laudatory biographical notice. He nonetheless criticises him for his use of the metaphorical interpretation of Scripture, and strongly suspects that he never quite rid himself of Mu'tazili influence.<sup>11</sup> Sibt Ibn al-Jauzi is apparently neutral.

#### 5. Hallajism, Mu'tazilism, and Ibn 'Aqil

There are two noteworthy points to be made regarding the Retraction, and the historical data gathered from the Hanbali sources. First, throughout the pages of the extant *Diary*, nothing is mentioned regarding Hallaj or Hallajism. Alone on trial is Ibn 'Aqil's Mu'tazilism. Ibn Rajab correctly criticises Ibn 'Aqil for his Mu'tazili tendencies; Ibn Qudama incorrectly condemns him as an Ash'ari. Such a glaring error is probably attributable to the struggle going on in Ibn Qudama's city, between Hanbalis and Ash'aris. In twelfth-century Damascus, accusing a religious intellectual of Ash'arism was the severest condemnation that could be made by a Traditionalist, as was Mu'tazilism in Baghdad from the ninth century on.

Secondly, the sources shed no light on Ibn 'Aqil's post-Retraction attitude towards Hallaj. Although Ibn al-Jauzi had his own favourites among the Sufis, he cared little for Hallaj, in contrast to Ibn 'Aqil, who wrote a treatise (the *Nusrah*, which was condemned in the Retraction) in praise of the great mystic. Except for the Retraction, Ibn al-Jauzi passes over Ibn 'Aqil's Hallajism in silence, throughout the volumes of his *Muntazam*. In contrast, the pro-Hallajism of Ibn Qudama is indicated in the Retraction: he omits the part regarding Hallaj, passing over it in silence. Thus neither those friendly towards Ibn 'Aqil, nor those who were hostile, have left any indication of his post-Retraction sentiments regarding Hallaj.

Ibn Rajab shows his displeasure with Ibn 'Aqil when he mentions a refutation of his *Juz' fi Nuṣrat al-Hallāj* by the Hanbali Hibat Allah b. Sadaqa al-Azaji (d. 591/1195).<sup>12</sup> Moreover, he criticises 'Abd ar-Rahman Ibn al-Ghazzal (d. 615/1218) for writing a new biography of Hallaj, in which he praised and venerated the great mystic, relying heavily on Ibn 'Aqil's old *Nusrah* 'from which [Ibn 'Aqil] returned in penitence, and he [Ibn al-Ghazzal] was wrong to do that';<sup>13</sup> i.e. to issue a new edition of the condemned *Nusrah*.

As for Ibn 'Aqil's post-Retraction attitude regarding Hallaj, nowhere is there any mention of the mystic, either in Ibn 'Aqil's extant works, or in the 'Aqilian passages I have been able to collect, which are quoted by subsequent authors. The conspicuous silence of the sources, and the reappearance of the *Nusrah* in veneration of Hallaj, the autograph of which was later in the possession of Ibn al-Jauzi, indicate that when Ibn 'Aqil read the passage abjuring Hallaj, he was, as Louis Massignon rightly concludes, merely mouthing the words, not speaking his mind.

It would then appear that Ibn 'Aqil's abjuring of Hallaj in the Retraction was forced, and its presence there probably due to the insistence of his accuser, *Sharif* Abu Ja'far. However, this does not necessarily mean that the *Sharif* was against Sufism, or even against Hallaj; for he himself may well have been a Sufi, as were so many of his fellow-Hanbalis. Moreover, the fact that the original *Nusrah* later turned up in the possession of Ibn al-Jauzi, shows that the *Sharif* did not destroy it after it was brought to him by Ma'ali al-Ha'iik. More likely, the *Sharif* upheld the principle of the consensus

condemning Hallaj, despite the lack of unanimity among the jurisconsults, because it was the same kind of consensus he was using against Ibn 'Aqil; namely, that the *fatwas* of a number of jurisconsults are sufficient to justify a condemnation, forcing the accused to retract or face dire consequences. Hallaj was condemned by such a consensus.

## II. EDICTS AND CREED OF CALIPH AL-QADIR

The sources, to my knowledge, make no mention of the Qadiri Creed during the caliphate of al-Qadir. The first mention of it as his creed (*al-I'tiqād al-Qādirī*) appears a decade after his death, in the caliphate of his son, al-Qa'im (422–67/1031–75). However, the essentials of the Creed are found in al-Qadir's proclamations in the first and second decades of the eleventh century, the last of these in 420/1029, two years before his death.

### 1. Edicts of al-Qadir and Edicts of al-Ma'mūn

The first years of the eleventh century brought with them the edicts of al-Qadir. To judge by what the sources say of their contents, al-Qadir's edicts were manifestly answers to the edicts of al-Ma'mūn (*caliphate* 198–218/813–33), which two centuries earlier had set afoot the *Mihna* (Inquisition). The first edict is dated 408/1017–18. It required Rationalist religious intellectuals, designated as Mu'tazilis, to make a public retraction, desisting from the public discussion of *kalām*-theology, and from giving courses on Mu'tazilism, Rafidism, or any other anti-Sunni doctrines. The guilty had to sign a retraction to this effect and, in case of recidivism, suffer corporal punishment and exile.<sup>14</sup> The second edict, promulgated the following year, was read publicly in the Quarter of the Caliphal Palace, on 17 Ramadan 409 (27 January 1019). It proclaimed the doctrines of Sunni Traditionalism, according to the annalists who cite the following passage: 'He who says the Qur'an is created is an infidel, whose blood may legitimately be shed.'<sup>15</sup>

Three other edicts, in the same vein, elaborating Traditionalist Sunni doctrines, were proclaimed in 420/1029, in the Caliphal Palace, on the following dates: 19 Sha'bān (2 September), 20 Ramadan (2 October), and 1 Dhu 'l-Qa'da (11 November). On each of these occasions there was a convocation of *sharīfs*, judges, witness-notaries and jurisconsults, who heard the reading of the edict and signed it, as proof of their presence at the reading. The second edict was read by the Caliph's Prime Minister, Abu 'l-Hasan Ibn Hajib an-Nu'mān (d. 421/1030), to a similar audience. According to the descriptions given of the edicts, each was more elaborate than the preceding one, the third being of such length that it reportedly required attendance throughout the day, until nightfall. This edict may well have been what is attributed to Caliph al-Qadir as *Kitāb (fīhi) al-Uṣūl*.<sup>16</sup>

Nowhere in the extant sources do we have the full texts of these edicts. The first is said to have expatiated on the doctrines of Sunni orthodoxy, condemning Mu'tazilism and citing Prophetic Traditions in support of the condemnation. The others are said to have condemned as *fāsiq* (transgressor of the law) anyone who professes that the Qur'an is created, after which was related the old disputation between the disciple of Shafi'i (d. 204/820), 'Abd al-'Aziz b. Yahya al-Kinani al-Makki (d. 240/854) and Bishr Marisi (d. 218/833), a Mu'tazili-Hanafi theologian-jurisconsult, who had studied law under the famous Hanafi Qadi, Abu Yusuf (d. 182/798). That disputation was on the question whether the Qur'an was created. These edicts are said to have ended with a call to 'order the good and prohibit evil'.<sup>17</sup>

Al-Qadir's edicts had one purpose: to proclaim the doctrines of Sunni Traditionalism, and condemn all opposing teachings. There is no way of ascertaining, in the present state of the sources, just how the contents of the edicts became transformed into the Qadiri Creed; nor if the transformation took place in the lifetime of the Caliph, or only later in that of his son. The sources speak of al-Qadir's treatise, just mentioned, in which he discussed the basic articles of Traditionalist faith. In any case, the Qadiri Creed, and the descriptions given of al-Qadir's treatise and of his edicts, indicate that their contents promote essential Traditionalist doctrines, and condemn those of Rationalism.<sup>18</sup>

### 2. Al-Qa'im's Proclamation of the Qadiri Creed

Ibn al-Jauzi cites a chain of transmitters, as his source for the Creed. The chain begins with his teacher, Muhammad Ibn Nasir (d. 550/1155), a former student of Ibn 'Aqil, who had it from Abu 'l-Husain Muhammad b. Muhammad b. al-Farra' (d. 526/1131), a son of Qadi Abu Ya'la, who, very likely, had it from his father. Ibn al-Jauzi then introduces the Creed as follows:

The *Imām* al-Qa'im bi-Amri 'Llah ['Executor of God's Command'], Prince of the Faithful, Abu Ja'far, son of al-Qadir bi 'Llah ['Made Powerful by God'], in the year 430 and some, published the Qadiri Creed which al-Qadir had proclaimed. It was read in the Caliphal Chancery, in the presence of the ascetics and religious intellectuals, among whom was the *Shaikh* Abu 'l-Hasan 'Ali b. 'Umar [Ibn] al-Qazwini [d. 442/1050], scholar of the Prophetic Traditions and a great ascetic. He was the first to append his signature, the jurisconsults signing after him, below the following declaration: 'This is the profession of faith of the Muslims; he who is opposed to it is a transgressor of the law and an infidel.'<sup>19</sup>

This meant that jurisconsults could issue legal opinions (*fatwas*) against transgressors, calling for their execution.

### 3. Proximate and Remote Causes for Edicts and Creed

Ibn al-Jauzi does not give a reason for the proclamation of the Qadiri Creed; nor is there, to my knowledge, in his *Muntazam*, or elsewhere, mention of a connection between the edicts and the Creed. He simply quotes the text of the Creed, after supplying its Traditionalist source, *sub anno 433* of the Hijra (AD 1041–2), thirteen years after the date of the last of al-Qadir's edicts. To my mind, there is for both the edicts and the Creed, a proximate cause, as well as a remote one. The proximate cause, in my view, was the intellectual activity of Rationalist religious intellectuals, in particular two prominent authors: the Mu'tazili Qadi, 'Abd al-Jabbar (d. 415/1025), and the Ash'ari 'Abd al-Qahir al-Baghdadi (d. 429/1037). Their intellectual activity will be treated below, in Part Two on theology. The remote cause was al-Ma'mun's edicts of two centuries earlier, which inaugurated the *Mihna*. The first of al-Qadir's edicts was aimed at the Hanafi-Mu'tazili jurisconsults, prohibiting them from teaching Mu'tazili *kalam*. The Hanafi judges of the *Mihna* were also Mu'tazilis, supported by al-Ma'mun against the Traditionalist jurisconsults.<sup>20</sup> The focal point of the edicts of both caliphs was the Qur'an. Al-Ma'mun's aim was to force the Traditionalists to declare that the Qur'an was the created word of God. Al-Qadir's edict aimed to keep intact the sacrosanctity of the Qur'an, as God's *uncreated* Word.

### 4. Import and Significance of the Qadiri Creed

For the present purpose, a brief analysis of the Qadiri Creed will be sufficient, since the original text of the Creed is available, along with three translations – German, English, and French.<sup>21</sup> The following analysis reviews some of the Creed's essential parts. It is clearly a Traditionalist manifesto. It condemns as heretical all doctrines opposed to Traditionalist Sunni doctrine. It is manifestly anti-Rationalist, opposed *inter alia* to Mu'tazilism and Ash'arism. The Qadiri Creed contains nothing against Sufism in general, or Hallaj in particular. It opposes the anthropomorphists (*mushabbiha*) especially the Karramis, on the question of the divine Throne. The divine attributes are presented from the point of view of those who affirm them (*ihibat as-sifat*) as opposed to those who annul them (*ibqal as-sifat*), as do some Imamis and Isma'ilis, who say that God is knowing without knowledge, powerful without power, and so on, and as opposed to the Mu'tazilis who annul them (*ibqal*), divest them (*ta'fi*), or subject them to metaphorical interpretation (*ta'wil*).

The question of the attributes is also presented against the Ash'ari thesis, which makes a distinction between real attributes, (*sifat haqiqiya*) and metaphorical attributes (*sifat majaziya*), whereas the Qadiri Creed considers as real all the attributes that God has attributed to Himself, or that His Apostle has attributed to Him. This twofold opposition to Mu'tazilism and

to Ash'arism is further seen with respect to the highly controversial attribute of divine speech, the principal point of contention between the two antagonistic forces, as illustrated in the edicts of al-Ma'mun and of al-Qadir. To begin with, the Creed affirms, against Mu'tazilism, that the speech of God is uncreated. This is followed by a distinctly anti-Ash'ari elaboration, i.e. that the speech of God is *uncreated under all of its aspects*: recited, retained in the memory, written, or heard. Such a statement does not admit the Ash'ari distinction between the *uncreated* speech of God and its *created* expression. Thus the Ash'ari thesis, as well as the Mu'tazili, are condemned as heterodox, and those professing them risk pain of death, unless they make a public retraction.

The Qadiri Creed states that faith (*īmān*) is composed of words (*qawl*), deeds (*'amal*), and intentions (*nīya*); that it is variable, capable of increasing or decreasing; that one must make use of the formula of condition, or hope, by saying 'I am a believer' and adding 'if it please God' or 'I hope'. This concept, which is in line with the thinking of Shafi'i (d. 204/820) and Ibn Hanbal (d. 241/855), is opposed, *inter alia*, to the Mu'tazili concept, which identifies *īmān* with *islām*, and is therefore a profession of faith that is purely exterior, composed of a set form of words and gestures. It is also opposed to the Ash'ari concept, i.e. that the profession of faith is invariable, that works have nothing to do with it, and that one should not make use of formulas of condition or hope.

### 5. Application of the Creed's Terms

Al-Qadir lost no time in applying the terms of his edicts. As early as Rabi' II 417 (May–June 1026), the future head of the Hanafi legal guild, Abu 'Abd Allah as-Saimari (d. 436/1045), accused of Mu'tazilism, had to make a public retraction of it in order to become a witness-notary (*shāhid*) accredited by the Chief Judge. It was Saimari who assumed the leadership of the Mu'tazilis of Baghdad after the death of the famous Mu'tazili, Qadi 'Abd al-Jabbar, and the headship of the Hanafi legal guild, after the death of al-Quduri (d. 428/1037). Moreover, the terms of the Qadiri Creed were also being applied by the *amirs* who aspired to the caliphal *'ahd* (investiture) for the sultanate, as in the case of the Ghaznawid Mas'ud (*regnūm*: 421–32/1031–41) and that of the Saljuq Tughril Beg (*regnūm*: 429–55/1038–63), each in turn seeking the approval of the then caliph, al-Qa'im, in whose caliphate the Creed became known also as the Qadiri–Qa'imī Creed (*al-Hiqdāt al-Qādirī al-Qā'imī*). The Creed was sanctioned by the consensus of the jurisconsults, and its proclamation and the application of its terms all took place while the governing power in the lands of the Eastern Caliphate was that of the Shi'i Buwaihid dynasty, long before the Sunni Saljuqs had come upon the scene.<sup>22</sup>

Saimari and Ibn 'Aqil had this in common: that both had to sign a

retraction, abjuring Mu'tazilism; but the similarity ends there. Saimari's case was simple: he was summoned to retract, he complied, and no more was said of his case. Ibn 'Aqil's case was not so straightforward. Close scrutiny of the facts indicates that there was more to it than the signing of a retraction. Ibn 'Aqil denied all along that he wished to become a Mu'tazili; he simply wanted to learn all that the greats of his period had to offer, regardless of their religious and intellectual persuasions. He complained: 'Fellow-Hanbalis wanted me to cease frequenting a group of religious intellectuals, and that used to cut me off from acquiring useful knowledge.'<sup>23</sup> Besides the formal charge brought against him, in line with the terms of the Qadiri Creed, there was another undeclared motive – a personal one – that of his antagonist, Sharif Abu Ja'far.

### III. RETRACTION AND QADIRI CREED IN WESTERN SCHOLARSHIP

#### 1. The Retraction

Because of its historical importance, the Retraction drew the attention of two eminent Islamicists, for reasons connected with their respective scholarly research: Ignaz Goldziher, who was studying Hanbali movements in Islamic religious history; and Louis Massignon, studying the thought of Hallaj and his times. Massignon was particularly interested in the *Nusra*, Ibn 'Aqil's treatise in veneration of Hallaj. The great mystic had been crucified in the first decade of the fourth/tenth century, for what was perceived by a group of jurisconsults to be a blasphemous declaration made in a moment of mystical ecstasy, when Hallaj cried out: 'I am the Truth!'

##### *The Retraction Discovered by Ignaz Goldziher*

When researching his 'Zur Geschichte der hanbalitischen Bewegungen',<sup>24</sup> Goldziher came across the Retraction of Ibn 'Aqil, which he cited to show the extent of the force used by the Hanbalis against one of their members who dared to be interested in Mu'tazilism and Hallajism. It was not, however, the Hanbalis, but rather the *Sharif*, followed by a group of his partisans, who constituted the driving force behind the Retraction. *Sharif* Abu Ja'far was an activist who, in addition to his membership of the Hanbali guild, was also a member of the Sunni Hashimi nobility of *sharifs*. It is from the latter that he drew some of the support he needed for his 'vice squad', which carried out his campaign against the loose morals of his day, particularly prostitution and the traffic in intoxicants. He was not, at the time, the leader of the Hanbali guild (as Goldziher had thought), but simply the leader of a faction which opposed Ibn 'Aqil. The *Sharif* was eventually able to force Ibn 'Aqil to retract on the basis of some of Ibn 'Aqil's writings

brought to him by a certain Ma'ali al-Ha'ik. During a serious illness, Ibn 'Aqil had given the writings to al-Ha'ik, for him to destroy in the event of the former's death.

Goldziher cited the Retraction for two reasons: to point out the importance of the document in terms of cultural history, and to highlight it as an example of Hanbali behaviour of the type he believed occurred frequently. For Goldziher, the persecution of Ibn 'Aqil and his Retraction showed the extent of Hanbali religious fanaticism, as evidenced by the activity of *Sharif* Abu Ja'far, all leading Goldziher to believe the *Sharif* to be the Hanbali leader. Goldziher contrasted what he considered to be the fanatical, ultra-conservative character of Hanbalism with what he considered to be the tolerant, middle-road Ash'arism, believing the latter to be the new orthodoxy of Islam, replacing the old outdated orthodoxy of Hanbalism.

##### *Louis Massignon's Interest in the Retraction*

The Retraction drew the attention of Louis Massignon, in the early part of this century, when he was researching his monumental work on *The Passion of Hallaj*. The fact that, over a century and a half after Hallaj's execution, a young Hanbali intellectual of Baghdad had been forced, after pursuit and persecution, to abjure a treatise he wrote in veneration of Hallaj, evidently meant that the memory and influence of the great mystic had survived. Massignon has amply shown that it continued to survive down to modern times. The history of Ibn 'Aqil's period, as recounted in the posthumous second edition of Massignon's work, differs in some respects from that given in the pages of the present book. My previous book on Ibn 'Aqil was published after Massignon's death. The image of the eleventh century had remained in accord with that presented in earlier works (an image generally accepted mostly on the authority of Goldziher's work), as regards the religious and institutional history of eleventh-century Baghdad.

At the turn of the twentieth century, when Goldziher was at work, it was almost inevitable that modern scholarship would have an erroneous image of Islamic history regarding the eleventh century. The religious history of Islam was read in Rationalist sources, to the neglect of the Traditionalist. I have written on this problem elsewhere.<sup>25</sup> Here I shall confine myself to clarifying certain misconceptions. The eleventh century was Traditionalist, not Mu'tazili or Ash'ari. What was new about the Ash'arism of the eleventh century was not that it was, as claimed, the 'new orthodoxy', but rather that it was, after Mu'tazilism, the 'new Rationalism', aspiring to recognition as orthodox. Ample proof of this is found in the edicts of al-Qadir and the Qadiri Creed. Their contents reflect a centuries-old struggle between Rationalism and Traditionalism, the beginning of which goes back to Shafi'i and his censure of *kalām* in the eighth century.

### *The Retraction in History*

Like the Qadiri Creed, the Retraction is a Traditionalist document, preserved intact. That of Ibn Shannabudh (d. 328/939) has survived only as a brief excerpt, in which the Qur'anic scholar retracts his variant readings of the Qur'an. Its passages correspond with those of the Retraction of Ibn 'Aqil, except as regards the blank spaces relating to the abjurer's particular case. Ibn 'Aqil's Retraction serves as a historical landmark in the socio-religious history of his period. It represents the triumph of the Traditionalist movement supported by the caliphate, against Rationalist Mu'tazilism, on the decline, and a militant Rationalist Ash'arism, on the ascendant. The latter sought its support from an external source, Nizam al-Mulk, for thirty years the Prime Minister of the Saljuqs Alp Arslan (*regnus*: 455–65/1063–72) and Malikshah (*regnus*: 465–85/1072–92). Traditionalism was as opposed to the new Rationalism as it continued to be to the old.

### *The Retraction in Ibn 'Aqil's Life*

For Ibn 'Aqil, the period between 447 and the signing of the Retraction, in 465, was mostly one of turmoil. It left its mark on him for the rest of his life. His native quarter, Gate of the Archway, on the east bank of the Tigris, was sacked by the Saljuq hordes in 447/1055. Left to fend for himself in poverty, he eventually came under the protection of Abu Mansur Ibn Yusuf. With the latter's death in 460, he became a fugitive, pursued, persecuted, and exiled. Rather than affecting him adversely, souring him towards the Hanbali legal guild, his misfortunes served rather to teach him the wisdom of moderation, and to temper his youthful exuberance. The decade between the death of his patron-protector, in 460, and the death of his antagonist, Sharif Abu Ja'far, in 470, a time during which he could not pursue his professorial career, gave him time to reflect on the differences of the two opposing intellectual forces of his century. He was a unique product of both, through his family background, and his legal guild. With time on his hands, cut off from the normal society of men of learning, and from the discussions and debates for which he had an unquenchable thirst, it is to be presumed that his thoughts were his principal occupation.

It is most likely at this juncture that he began his journal, the *Kitāb al-Funūn*, in which he consigned his thoughts and meditations on men and society, on government and legal guilds, on theologians, jurisconsults and Sufis, on his predecessors and his contemporaries. In exile he mused upon his trials and tribulations, his thoughts and aspirations, his critiques and observations, leading a confined intellectual's life, conversing with books, and noting down his thoughts. Time became for him a precious commodity, which he considered a sin to waste:

Truly, it is not lawful for me to waste a single moment of my life; so

that when my tongue is not engaged in instructive conversation and disputation, or my sight in studying, I engage my mind in meditation in my moments of rest, lying down, only to rise with some thought having occurred to me which I then commit to paper. In the eighth decade of my life, I do indeed experience a zeal for learning more intense than that experienced when I was a young man of twenty.<sup>26</sup>

Towards the end of the one surviving volume of his *Funūn*, he tells us how he wrote it: 'A Hanbali [meaning himself] said: "I select the most excellent thoughts I heard from the mouths of great men, and those I read in the pages of intellectuals, and the thoughts that come to my mind by the grace of God – Exalted is He above all! – and I write them down [in *Kitāb al-Funūn*]".'<sup>27</sup>

### 2. The Qadiri Creed

#### *The Qadiri Creed Discovered by Adam Mez*

The Creed first came to the attention of modern scholarship early in the twentieth century, when Adam Mez noticed it in Ibn al-Jauzi's *Muntazam*, then still in manuscript. But after its publication in Mez's *Renaissance of Islam*, the Creed failed to attract further attention from scholars. Mez had correctly seen that it was directed against Mu'tazilism, but its condemnation of Ash'ari doctrines passed unnoticed; Ash'arism was not mentioned by name. To make matters worse, life's own surprises seemed to conspire to obscure the anti-Ash'ari aspect of the Qadiri Creed. The Creed's translation *in extenso* into German, in Adam Mez's *Renaissance*, was published posthumously in 1922; Goldziher had died the previous year, in November 1921. The eleventh-century milieu was described in my earlier work on Ibn 'Aqil, published in 1963, with a French translation and analysis of the Qadiri Creed. Massignon had died the year before, in October 1962. In the posthumous second edition of Massignon's *Passion*, the condemnation of Mu'tazilism in the Creed was noticed, but not that of Ash'arism.

#### *The Creed Absent from Wensinck's Muslim Creed*

Most unfortunate, however, was the absence of the Qadiri Creed from *The Muslim Creed* of A. J. Wensinck, published in 1930, eight years after Adam Mez's *Renaissance*. As already mentioned, Mez had the text of the Creed from its only known source, Ibn al-Jauzi's *Muntazam*. Historians generally relied on Ibn al-Athir's (d. 630/1232) *Kāmil* for the period in question, but Ibn al-Athir, who does not cite the text of the Qadiri Creed, limits himself to mentioning al-Qadir's book on Sunni doctrine.<sup>28</sup> Wensinck deals with the eleventh century in the last chapter of his work, entitled 'The Later Development of the Creed', but there the Creed itself is passed over in silence.

### *The Background of the Qadiri Creed*

The Qadiri Creed is the result of the success of the Traditionalist movement in its two-century struggle against Rationalism, dating back to the time of Shafi'i. The Traditionalist movement had its first significant counter-thrust against Rationalism in the *Risāla* of Shafi'i, which brought into existence a newly-constituted theology, serving as an antidote to Rationalist theology.<sup>29</sup> Shafi'i stands at the beginning of this Traditionalist orthodox solution, which acquires its final form in the century of Ibn 'Aqil. During this time, Traditionalism makes gradual progress from strict adherence to the authority of sacred scripture, and that of the Prophet and Forefathers, to the adoption of certain elements of philosophy, in the interest of reconciling reason with revelation.

In this process, Ibn 'Aqil plays a major role as an enlightened Traditionalist, since the reconciliation, if it was to succeed, had to be developed within the Traditionalist camp. He was qualified for the task by the distinctive intellectual approach acquired in his formative years, which consisted of a rare combination of Mu'tazili Rationalism and Shafi'i-Hanbali Traditionalism. He owed this approach to: his family background, immersed in the two intellectual movements of Mu'tazilism and humanism; the organisation of professional higher learning developed by then in Baghdad, both in the institutionalised learning of scholasticism and in the movement of Traditionalist humanism; and especially his unrelenting search for, and stubborn devotion to, the truth, wherever he could find it. This last nearly cost him his life.

## SECTION TWO THE BIOGRAPHY OF IBN 'AQIL

### I. BIRTH, FAMILY, AND EARLY STUDIES: 431–47

#### 1. Date and Place of Birth

Quoted statements of Ibn 'Aqil give his birthplace and date of birth: Baghdad, in the month of Jumada II 431 (February–March 1039). His student, Ibn Nasir, said he heard it from him personally; Ibn al-Jauzi, the latter's student, said he read it in Ibn 'Aqil's own handwriting.<sup>30</sup> The erroneous date, 432, given in some sources, appears to have had its origin in Ibn 'Aqil's memory of an event which he said took place 'in the year 436, when I was five years old, or *some months less*'.<sup>31</sup> For the location of his birth, he names the East Side quarter of Baghdad: '... in the Quarter of *Bāb at-Tāq* ["Gate of the Archway"], where I was born'.<sup>32</sup>

#### 2. Family Background

On his Hanafi-Mu'tazili family background, he is quoted as follows:

As for my family, those on my father's side were all writers, chancery secretaries, poets, humanists. My paternal grandfather, Muhammad b. 'Aqil, was the chancellor of [the Buwaihid] His Highness Baha' ad-Daula [*regnum: 388–403/998–1012*];<sup>33</sup> he was the one who composed the decree ordering the destitution of Caliph at-Tā'i' [*caliphate: 363–81/974–91*] and the investiture of Caliph al-Qadir.<sup>34</sup> As for my father, he was one of the most powerful disputants, and among the best as to the solidity of his legal opinions and of his religious learning. On the maternal side of my family there was az-Zuhri, a [Mu'tazili] *mutakallim* and professor of Hanafi law.<sup>35</sup>

There is reason to believe that this Zuhri was a teacher of *hadīth* to Abu 'Abd Allah as-Saimari, previously mentioned as the Hanafi-Mu'tazili who had to retract his Mu'tazilism in 417/1026, or be barred from becoming one of the Chief Judge's witness-notaries.<sup>36</sup> These bits of information on his family background give us some idea of the earliest influences on his life. He appears to owe his literary humanism to the paternal side of his

family; and to the maternal side, his legal scholasticism, evidenced by his strong attraction for dialectic and his keen interest in the art of disputation. To his maternal side also he owes his interest in *kalām*, for which he was to be blamed, and to which his foremost biographer, Ibn Rajab, attributes a weak foundation in the Prophetic Traditions.

### 3. Hanafi–Mu'tazili Origins

Certain details of Ibn 'Aqil's life also point to his Hanafi–Mu'tazili origins: (1) the Quarter of the Gate of the Archway, his birthplace, was a Hanafi–Mu'tazili residential quarter; (2) the Mausoleum of Abu Hanifa (d. 150/767) was located there, reconstructed by Abu Sa'd al-Musta'ufi (d. 494/1101), Hanafi Saljuq Financial Minister, who also founded there the Shrine College of Abu Hanifa; (3) the Hanafi legal guild, to which he and his family belonged, which accommodated jurisconsults Mu'tazili in theology; and, last but not least, (4) his ancestry, including Zuhri, his grandfather. His Mu'tazili background was counterbalanced by early training in the art of the sermon, under the direction of Traditionalist Sufi teachers, with the result that, in his first year of college Hanafi law, he already had a Hanafi Traditionalist bent. When, in the following year, he changed to Hanbali law under Qadi Abu Ya'la, the change in direction was not as dramatic as it would have been, had he not had his training in Traditionalist Sufism.

The Hanafi–Mu'tazili background manifests itself in his earliest memories. Among these is one which he says occurred when he was 'five years old or some months less'. The foundations of a mosque were being dug in front of the tomb of Abu Hanifa. Another memory goes back to 453/1061, when watching, at the age of twenty-two, the digging of foundations for a new dome over Abu Hanifa's tomb. In the process of digging, huge quantities of human remains were unearthed and removed for burial elsewhere. The exhumed bones belonged to those who had wished to be buried in the vicinity of the revered Imam Abu Hanifa. Mustaufi had ordered the digging in order to construct the new dome. On this occasion, Ibn 'Aqil got into trouble with the Hanafi philanthropist for protesting that, along with the bones of the Hanafi faithful, those of Abu Hanifa were probably also exhumed, which meant that the very purpose of the dome was being defeated; this matter greatly distressed him because of his Hanafi background. Add to these memories the fact that among his professors there were several Hanafis and Mu'tazilis: the grammarian Ibn Barhan (d. 456/1064), the poet-philosopher Ibn al-Fadl (d. 465/1072), known by the sobriquet of Sarr-Durr, the poet Ibn Shibl (d. 473/1080), two Mu'tazili *kalām*-theologians, Ibn al-Walid (d. 478/1086) and Ibn at-Tabban (fl. 461/1068), Chief Judge ad-Damaghani *père* (d. 478/1085), and a certain Abu 'Amr al-Faqih, Ibn 'Aqil's professor of Hanafi law.

### 4. Two Cultural Forces: Humanism and Scholasticism

Thus Ibn 'Aqil's thought was moulded by two major cultural forces: a Rationalist family background immersed in *kalām* and literary humanism, and a Hanbali Traditionalist education immersed in legal scholasticism. He was solidly grounded in Qur'anic studies under the direction of Abu 'l-Fath Ibn Shita (d. 450/1058); it is with him that he studied the science of the variant readings of the Qur'an. He learned the Sacred Book by heart, under al-Kharraz (d. 489/1096), whom he did not hesitate to criticise for his habit of using Qur'anic verses, as an act of piety, to communicate with others during Ramadan, the month of fasting. Ibn 'Aqil reminded him that the Sacred Book was revealed to make clear the laws of God, not for mundane purposes.

One teacher, who may have had a strong influence on his early years, was the Mu'tazili grammarian, Ibn Barhan, a student of *kalām* of Ibn al-Walid. An enthusiastic Mu'tazili propagandist, Ibn Barhan attacked Hanbali doctrines, and all who dared oppose his Mu'tazilism. He probably encouraged Ibn 'Aqil to study *kalām* under Ibn al-Walid. This discipleship would eventually be used to justify Ibn 'Aqil's persecution and exile. Baghdad, as a cosmopolitan city and the cultural centre of the classical Islamic world, teemed with great diversity of thought. It was inevitable that the intellectually curious and independently minded youth would be eager to learn Mu'tazili doctrines in the familiar environment of his early years. He studied *kalām* in secret, conscious of the danger to which he was exposing himself, not only because of its condemnation in the Qadiri Creed, but more especially because his Hanbali legal guild, unlike the Hanafi and the Shafi'i, tolerated no jurisconsults of Rationalist persuasions within its ranks. But, in contrast to some of his fellow-Hanbalis, Mu'tazilism held no fear for him, brought up in it in the security of the family atmosphere. He was later to criticise Ibn Barhan for his Rationalism, the latter blaming in turn his erstwhile student for abjuring Mu'tazilism.

It is to his early studies under such teachers as Ibn al-Qazwini, Ibn Shita, and Ibn al-'Attar (d. 468/1076), that Ibn 'Aqil owes the Traditionalist side of his humanism: moral philosophy, as represented in the art of the sermon, wherein he came to be known for his oratorical eloquence. Ibn al-Qazwini died when Ibn 'Aqil was only eleven years of age. This master, known for his hostility to *kalām*-theology and its practitioners, had the honour of being the first to append his signature to the Qadiri Creed. Ibn 'Aqil admired his teacher, Ibn al-'Attar, for adopting the moral qualities of the early ascetic mystics. This admiration for the early Sufis, including Hallaj, contrasts strongly with his fierce hostility towards the sham Sufis. Many of his sermons against them have been preserved in Ibn al-Jauzi's *Talbis Iblis* ('Delusions of the Devil').<sup>37</sup> He made a clear distinction between the moral Sufis who kept alive the authentic Sufi tradition of the early centuries, and the sham Sufis who were known for their antinomianism and debauchery.

To the very end of his life, he praised and defended the early Sufis and those who walked in their traces, and continued to attack and expose the decadent elements of later Sufism.

There was a Rationalist side to his humanist teachers, who taught him prosody and epistolography: Ibn al-Fadl, Ibn Shibli and Ibn 'Asim (d. 482/1089). The first was accused of heretical tendencies; the second revealed a spirit of scepticism in some of his poetry; and the third was one of Baghdad's *zurafā'* (sg.: *zarif*), those elegant humanist dandies, whose lifestyles and wit form the subject of Washshā's (d. 325/937) *Muwashshā*.<sup>38</sup> The humanist side of Ibn 'Aqil, as represented by these intellectuals, recalls that of early humanism, when it came to be dominated by the spirit of Rationalism. But of more lasting influence was the Traditionalist side of his humanism, which he owed to Ibn al-'Allaf (d. 442/1050), a disciple of Ibn Sam'un (d. 387/997), the great Hanbali sermonist of the previous century. Ibn 'Aqil thus has a highly authoritative Sufi-sermonist pedigree – Ibn Sam'un > Ibn 'Allaf > Ibn 'Attar – and this tradition of sermonist-sufism he in turn passes on to his successors, among whom figures the great sermonist, Ibn al-Jauzi. Only five years old at the death of Ibn 'Aqil, Ibn al-Jauzi was to be greatly influenced by his writings. It is to this successor, more than to any other, that we owe the preservation of extensive passages from the now lost works of Ibn 'Aqil, especially from the latter's *Funūn*.

As regards scholasticism, comprising the scholastic method, dialectic and the art of disputation, Ibn 'Aqil owes his training to masters of both movements, Rationalism and Traditionalism. His teacher of *kalām*-theology, Abu 'Ali Ibn al-Walid, had studied Mu'tazilism under two great masters of the century, Qadi 'Abd al-Jabbar, and his disciple, Abu 'l-Husain al-Basri (d. 436/1044). In the Traditionalist climate of the Qadiri Creed, the Mu'tazili Ibn al-Walid, who led an ascetic life, had to be discreet about his teaching, doing it in the privacy of his home. He nevertheless stubbornly stood by his doctrines, clinging to what he believed to be the truth, behaviour which effectively ostracised him. He is said to have kept to his home, for fear of falling into the hands of Traditionalist activists. Of Ibn 'Aqil's other teacher of *kalām*, Ibn at-Tabban, mentioned in the *Diary of Ibn al-Banna'*, nothing is known. In the *Funūn*, a Mu'tazili by this name is cited who, in a disputation with an Ash'ari, defends the arguments of Ibn 'Aqil.

### 5. Maktab-School Studies: To 446

The disciplines learned in the *maktab* elementary-intermediate school represented all that was learned in the curriculum of religious studies before admission to the *masjid*- or *madrasa*-college: namely, *Qur'an*, *hadith*, grammar and, as part of the last two subjects, the disciplines of asceticism and sufism, the art of the sermon, prosody and epistolary art. These subjects were studied at the introductory level, beginning in early youth, some at

home as early as age three, committing to memory the *Qur'an* and as much as possible of the Prophetic Traditions. College studies were normally begun at the age of fifteen. Ibn 'Aqil, in autobiographical notes, gives the names of his teachers, in the various disciplines. *Qur'an*: Ibn Shita and al-Kharraz; *hadith*: Ibn at-Tuwazi (d. 442/1051), Ibn Bishran (d. 448/1056), 'Ashshari (d. 451/1059), and Jauhari (d. 454/1062); *grammar*: Ibn Barhan; *art of the sermon*: Ibn al-'Allaf; *asceticism*: Abu Bakr Muhammad ad-Dinawari (d. 449/1057), and Ibn al-Qazwini; *sufism*: Abu Mansur Ibn al-'Attar. Ibn 'Aqil's studies in *poetry*, *prosody* and *epistolary art* with the poet-humanists Ibn Fadl, Ibn Shibli and Ibn 'Asim, would normally have been post-*maktab* studies in private. The *maktab* student graduated with a strong grounding in-humanist studies, which prepared him for further studies in one of two specialised directions: (1) continuing in humanist studies, in which case he did so privately in one or more of its subjects; or (2) continuing in institutionalised religious studies, in which case he did so in a *masjid*- or *madrasa*-college, specialising in law, with a view to becoming a jurisconsult. These two directions were not mutually exclusive, especially since, as early as the latter part of the tenth century, humanism had shed much of its Rationalism and become heavily weighted on the side of Traditionalism.

## II. LEGAL STUDIES AND CHANGE OF GUILD: 447–58

### 1. First Year of College in Hanafi Law

His pre-college studies of the *maktab*-school completed, Ibn 'Aqil began to study law at the age of fifteen. True to his family background, he studied under the direction of a Hanafi master-jurisconsult, a certain Abu 'Amr al-Faqih. Ibn 'Aqil took down in dictation from his master one of the books of the well-known Hanafi jurisconsult and magistrate, Abu Zaid ad-Dabusi (d. 430/1039). He gives the name of his professor in abbreviated form, in the *Funūn*: 'among the things I copied from his [Dabusi's] book, when I studied it under the direction of Shaikh Abu 'Amr al-Faqih ('The Jurisconsult') ...'.<sup>39</sup> The book was, very likely, *Kitāb al-Asrār*, cited on more than one occasion in the *Funūn*. After this first year of undergraduate law, Ibn 'Aqil's college education was to take another direction.

### 2. Turning-Point: Hanbali Patron and Hanbali Guild

The Saljuq hostile entry to Baghdad in 447/1055 changed the course of Ibn 'Aqil's life, and left an indelible mark on his memory. After a first year of Hanafi law, he transferred to Hanbali law. He became the ward of the Hanbali merchant, Abu Mansur Ibn Yusuf, indicating that he had become an orphan. He says in one of his reminiscences: 'I began to study law under [Qadi Abu Ya'la's] direction when I had left the Gate of the Archway Quarter

because of the Ghuzz [Saljuqs] who had pillaged it in [4]47 [AD 1055].<sup>40</sup> After beginning his college legal studies as a Hanafi, he recommended them as a Hanbali. With Qadi Abu Ya'la, head of the Hanbali guild, he completed his basic legal studies, and with him he continued legal studies on the graduate level until his professor's death, after which he continued them with others, Hanbali, Shafi'i and Hanafi. These teachers were, in *fiqh*: the Hanafi Abu 'Amr al-Faqih, just mentioned, before the transfer to study under Qadi Abu Ya'la; in *mundzara* (disputation) and *uṣūl al-fiqh*: the Shafi'i Abu 't-Taiyib at-Tabari (d. 450/1056), al-Khatib al-Baghdadi (d. 463/1071), Shirazi (d. 476/1083), Ibn as-Sabbagh (d. 477/1084), Chief Qadi Shami (d. 488/1095), and the Hanafi Chief Qadi, Damaghani *père*; in *fara'id*: the Shafi'i al-Hamadhani (d. 489/1096); and the Hanbali Abu Muhammad at-Tamimi (d. 488/1095), no doubt in the same two fields, although left undesignated.

Ibn 'Aqil's transfer from the Hanafi to the Hanbali legal guild may have been due to Qadi Abu Ya'la who, like Ibn 'Aqil, came from a Hanafi family background, and whose father, a Hanafi-Mu'tazili jurisconsult and *kalam*-theologian, died when Abu Ya'la was ten years old.<sup>41</sup> When Ibn 'Aqil was pursued by Sharif Abu Ja'far, Qadi Abu Ya'la, as head of the Hanbali guild supported by the wealthy Hanbali merchant, Abu Mansur Ibn Yusuf, may well have recommended the youth to the care of the philanthropist merchant. That he did become the ward of Abu Mansur indicates that the Saljuq pillaging of Ibn 'Aqil's quarter not only cost the youth his home, but had probably also cost him his parents, or guardian(s).<sup>42</sup> The two contemporary sources, which could conceivably have shed light on the matter, have both come down to us in a fragmentary state, representing a very small fraction of their originals: (1) the journal-memoir of Ibn 'Aqil, *Kitāb al-Funūn*, which he wrote, by my reckoning, over a period of half a century, the one extant volume covering only about six months; and (2) the *Diary of Ibn al-Banna'*, written by my reckoning over forty years, the extant fragment covering little more than one year of the early Saljuq period. The Saljuq Turks were Hanafis, as were the parents of Ibn 'Aqil; but his parents were connected with the Buwaihid administration, which the Saljuqs had come to Baghdad to unseat. It would seem that, in the devastation wrought in Ibn 'Aqil's residential quarter, his parents or guardians had fallen among its victims. Be that as it may, Abu Mansur Ibn Yusuf, the confidential adviser of Caliph al-Qa'im, takes Ibn 'Aqil under his wing. It is remarkable that, despite the persecution to which he was subjected in the Hanbali guild by a group of its members, Ibn 'Aqil remained steadfastly a Hanbali, whereas others among his teachers and students, each for reasons of his own, preferred to transfer to another legal guild. This fact is no doubt due in part to the lasting influence of Abu Ya'la and Abu Mansur and, most certainly, to the Traditionalism of Shafi'i and Ahmad Ibn Hanbal, for all of whom Ibn 'Aqil had great admiration and a deep sense of loyalty.

### 3. Legal Studies in the Hanbali Guild

Graduate law consisted mainly of those fields connected with *uṣūl al-fiqh*, namely: the science of dialectic (*'ilm al-jadāl*); the art of disputation (*'ilm al-mundzara*); and the science of the disputed questions of the law (*'ilm al-khilāf*). These were the chief disciplines of legal science, which led to 'the licence to teach law and issue legal opinions', i.e. the doctorate of law. As just seen, professors of all three legal guilds in Baghdad contributed to the graduate education of Ibn 'Aqil, especially in *uṣūl al-fiqh*: Tabari, al-Khatib al-Baghdadi, Shirazi, Ibn as-Sabbagh, Shami, and Hamadhani.<sup>43</sup> Among the teachers of Ibn 'Aqil only two stand out as Hanbalis; the others were Shafi'i, Mu'tazilis, and Sufis. This highlights the fact that membership of a legal guild was determined by the guild to which one's professor of *fiqh* belonged. *Uṣūl al-fiqh* did not determine that membership; like *hadīth*, it was a subject professors could teach students regardless of the guild membership of teacher or student. *Fiqh*, the science of legal qualifications, was the product of the *fatwā*, and the *fatwā* was the product of the doctor of law, the graduate of a legal guild college.

## III. BEGINNING OF PROFESSORIAL CAREER: 458–60

### 1. Professorial Chair in Mosque of al-Mansur

Appointments to the professorial chairs of the great Mosques, such as the Basra Gate Quarter Mosque of al-Mansur, were made by the Caliph. Because of his position with the Caliph, Ibn Yusuf was able to secure for his ward, Ibn 'Aqil, the professorial chair, named *Halqat al-Barāmika*, vacant since the death of Abu Ya'la. This appointment was made over the head of Sharif Abu Ja'far. In respect of his age and discipleship with Abu Ya'la, the Sharif, not Ibn 'Aqil, would normally have been chosen to succeed the master. Abu Ya'la is not known to have named his successor; he himself had been designated by his professor, Ibn Hamid (d. 408/1012), to succeed him as Professor of Law. The Sharif's long years of study under the direction of Abu Ya'la, and his assistantship as repetitor to his master, was of no avail. Nor did he derive any benefit from being the first cousin of Caliph al-Qa'im, who was at the time displeased with the Sharif's militant activism, which was causing him trouble with Nizam al-Mulk. Succession to the master's chair had meant, in the case of Abu Ya'la, succession to the headship of the Hanbali guild. It was natural for the Sharif to expect succession to both the chair and the guild headship, after twenty years of assisting Abu Ya'la. A professorial chair at the Mosque of al-Mansur was often the cause of controversy leading to riots, especially when there was also the question of the Rationalist orientation of the professor.

## 2. Trouble with *Shāfi'i* Abu Ja'far

Autobiographical notes on Ibn 'Aqil's troubles with certain fellow-Hanbalis have come down to us in excerpts from the inextant parts of the *Funūn*. They afford us some insight into this part of his life, and point to two different periods in which he was pursued and persecuted:

My fellow[-Hanbalis] required me to terminate relations with a certain group of religious intellectuals, and that prevented me from acquiring useful knowledge. But Abu Mansur Ibn Yusuf took care of me, and I rejoiced in his treatment of me with great consideration. He placed me at the head of others in the matter of legal opinions, in spite of the presence of those older than I, in the *Halqa* [teaching-post] of the Baramika, in the Mosque of al-Mansur, when my professor died in 458. [After giving my own courses] I used to leave my *halqa* in order to pursue, without respite, the *halqas* of the religious intellectuals...<sup>44</sup>

As long as Ibn 'Aqil was under the direction of Abu Ya'la, there could have been no overt hostility from the *Shāfi'i* towards him. Hostility could only have begun after the death of Abu Ya'la and Ibn 'Aqil's succession to his chair. Even then, Abu Mansur would have put an end to it. The unfettered hostility of the *Shāfi'i* could only have begun after the death of Abu Mansur. The reference, in the above passage, to 'those older than I' is, no doubt, to *Shāfi'i* Abu Ja'far. Ibn 'Aqil's appointment as successor to Abu Ya'la, at the age of twenty-seven, was exceptional. The usual age for obtaining the doctorate in law, and becoming eligible for a professorial position, was normally about thirty-five. The appointment of Ibn 'Aqil was a rare one, but not unprecedented. Abu 'l-Ma'ali al-Juwaini (d. 478/1085) succeeded to his father's chair of law at the age of twenty. After teaching his own courses, he went on to complete his graduate studies with senior professors of his day, as Ibn 'Aqil was to do later. Likewise, Ibn Taimiya (d. 728/1328) succeeded to his father's chair, at the age of twenty-one. Note that Ibn 'Aqil was also solicited for legal opinions in the caliphal Chancery of State. Shafi'i was younger still, when he reportedly began to issue *fatwas* as jurisconsult at the age of fifteen. Although new institutions had become established, with new regulations, earlier customs were followed by those who had power and influence, especially when the candidates were of the calibre of Shafi'i, Juwaini, Ibn 'Aqil, and Ibn Taimiya.

In another note, Ibn 'Aqil recalls difficult moments in his life:

I endured poverty, and the job of copyist for wages, with continence and the pious fear of God, without vying with any jurisconsult for the chair of a *halqa*, and without my soul aspiring to any post of men of learning which would have prevented me from acquiring useful knowledge.<sup>45</sup>

Ibn 'Aqil exonerates himself from having sought the professorial chair vacated by Abu Ya'la's death. He denies he would have sought it, or any other, because of the time he would lose by teaching and thus having less time to pursue his own studies. Graduate work in professional legal studies required more years than he had so far given to them. In 458, at the age of twenty-seven, he had put in five years of undergraduate legal studies, and only seven years of graduate; he needed eight more.

His pursuit of knowledge and his search for the truth constituted the driving force of his youth, indeed of his whole life.

I have seen dynasties come and go, but no power of a sultan, nor that of a crowd, was capable of deflecting me from what I believed to be the truth. My fellow[Hanbalis] subjected me to physical suffering to the point of drawing blood; and I was tormented during the administration of an-Nizam<sup>46</sup> with legal proceedings and imprisonment. O Thou for whom I have sacrificed all, do not betray my hopes in Thee!<sup>47</sup>

Ibn 'Aqil is referring here to two distinct periods of persecution. The first dates from a few years after he had joined the Hanbali guild, when a group of his fellow-Hanbalis demanded that he cut off his ties with Mu'tazili professors under whose direction he was studying *kalām*-theology. It was during this period that he was beaten to the point of bleeding, no doubt because he refused to desist. This was some unspecified time between two dates: 447/1055, the year of his transfer to the Hanbali guild, and 455/1063, the year in which began Nizam al-Mulk's administration as Saljuq Prime Minister. The second period, which he locates during Nizam's administration, was after the death of his patron-protector, Abu Mansur, in 460, two years after he had succeeded to Abu Ya'la's Chair.

## 3. Death of Patron-Protector, Abu Mansur Ibn Yusuf

Writing in 510/1116, three years before his own death, and more than half a century after the beginning of his troubles with the *Shāfi'i*, Ibn 'Aqil recalls the protection of his patron, Abu Mansur Ibn Yusuf:

(He) raised me and gave me refuge until I was fit for assuming the *Halqa*, but they<sup>48</sup> opposed me. And he assumed the cost of my professorial chair, including even the rugs and the beautiful garments. They sought to redress this state of things on many occasions, I being, at the time, well beyond the age of twenty.<sup>49</sup>

When his patron died, Ibn 'Aqil was twenty-seven.

Ibn 'Aqil's statement that Abu Mansur 'raised' him (*rabbānt*), and gave him 'refuge', would seem to indicate that he became the ward of Abu Mansur at an early date: sometime between 447/1055 and 455/1063, the

period mentioned above. His special position with Abu Mansur can be seen in his altercation with al-Mustaifi over the digging at the site of Abu Hanifa's tomb. Four dates are mentioned: 436, when Ibn 'Aqil was five; 437 or 438, when he was six or seven; and 453, when he was twenty-two. We get a glimpse into the character of the youth, and into the special position he enjoyed with his patron-protector:

The foundations for a mosque were laid with gypsum, limestone, and other materials, facing the Mausoleum of Abu Hanifa, and the Friday service was inaugurated in the year 436 [1044–5], when I was five years old, or less by a few months. The person who bore the cost was a Turk who had come to Baghdad, on his way to make the pilgrimage to Mecca. Then there came Abu Sa'd al-Mustaifi [in 453], a zealous Hanafi.<sup>50</sup> The Mausoleum of Abu Hanifa was, at the time, under a dome constructed by a Turkoman prince. Before that, when I was but a boy, it was under a tent made especially for it. That was around the year 437 or 438, well before the Ghuzz [Saljuqs] invaded Baghdad in [4]47 [1055]. Now, when Sharaf al-Mulk [Abu Sa'd al-Mustaifi] arrived in 453 [1061–2], he undertook to have a new dome constructed, which stands to the present day.<sup>51</sup> To this end, he ordered the demolition of all the constructions of the Mosque, and all that surrounded the Mausoleum, and had the present Shrine built in their place.<sup>52</sup> He hired the stone-cutters and architects, estimated in their thousands the number of bricks that would be needed, and bought up residences in the vicinity of the Shrine. They began to dig up the foundations of the dome and, as their intention was to reach down to solid ground, they reached it only after digging a pit measuring sixteen by seventeen cubits. They had excavated, along with the earth, four hundred bushels of bones, remains of the dead who had sought to be buried in the proximity of an-Nu'man [the revered Imam Abu Hanifa]. The remains were taken to a field belonging to certain people, where a pit was dug, and the remains reburied. From the site of the foundations, a skeleton had also been brought out, the bones of which were in a perfect state of preservation, exuding the fragrance of camphor. So I said to them, 'How would you know that the remains of an-Nu'man have not been exhumed along with the remains of the others, which would then mean that this dome would no longer have a *raison d'être*?' Upon which, Sharaf al-Mulk sent a message to Abu Mansur Ibn Yusuf complaining about me, and asking him to punish me because of what I had said. But all that Abu Mansur said to me, after taking me aside, was, 'Sir! We have no idea what our relations will be with these strangers. Besides, this dynasty is theirs.' I replied, 'My Lord! I was witness to a grossly reprehensible act; I could not contain the aversion my religious feelings evoked in me.' The construction took place in 459 [1066–7], its teakwood and great

doors having been misappropriated from the churches and synagogues of Samarra. People such as these live in total ignorance of the true religion!<sup>53</sup>

An ordinary person, making the remarks that Ibn 'Aqil addressed to the Secretary of Finance, would have been dealt with summarily; but, as ward of the notable Abu Mansur Ibn Yusuf, the Secretary's complaint had to be addressed to Abu Mansur. Note also the respectful tone used by the patron-protector with his protégé.

The following autobiographical passage is of some significance, in view of the fact that it is Ibn 'Aqil who assumed the chair of his professor, not *Sharif Abu Ja'far*. This passage is a continuation of the previous passage on Ibn 'Aqil's professor, Qadi Abu Ya'la:

Until his [Abu Ya'la's] death, I did not miss attending his courses, and accompanying him in his retreats, during which he allowed me to be with him, keeping him company, be it during his walks, or walking beside his stirrup, when he was on his mount. In spite of my youth, I had access to his private moments more than any other of his disciples.<sup>54</sup>

These disciples included, of course, *Sharif Abu Ja'far*.

The chair at the Mosque of Mansur, secured for Ibn 'Aqil and fully furnished for him by his patron, was a Hanbali chair, named *Halqat al-Barāmīka*, after its founder. It takes its name, not from the famous Barmakids, the Persian family of prime ministers and secretaries of state of an earlier 'Abbasid period, but from the Hanbali jurisconsult and scholar of hadith, Abu Hafs al-Barmaki, whose *nisba* name is said to relate to a village called *al-Barmakiya*, and two of whose sons were jurisconsults. Its occupants were the following professors: (1) Abu Hafs 'Umar b. Ahmad al-Barmaki (d. 387/997), founder of the chair; (2) his son, Abu Ishaq Ibrahim (361–445/972–1053), who studied law under the well-known Hanbali jurisconsults, Ibn Batta (d. 387/997) and Ibn Hamid (another son, Abu 'l-Abbas Ahmad (d. 401/1011), who studied law under his father and Ibn Hamid, was younger and died before the incumbent of the Chair); (3) Abu Ya'la; and (4) Ibn 'Aqil.<sup>55</sup> Up to and including the eleventh century, the Hanbali guild had its chairs in *Jāmi'* Mosques and in *masjid*-colleges; it had not yet adopted the *madrasa*-colleges which, for Hanbalis, were to come in the following century. To succeed the master and to teach in the prestigious Mosque of al-Mansur, bastion of the Traditionalist movement, was of great importance to *Sharif Abu Ja'far*, who longed for such recognition. He considered his shoulders the legitimate resting-place of the master's mantle, not the shoulders of his junior, Ibn 'Aqil, guilty of Mu'tazilism, and precocious to boot.

#### IV. PERSECUTION, PRISON, AND RETRACTION: 458–65

The extant fragment of the *Diary* of Ibn al-Banna' covers the last three months of 460 and all but the last month of 461, about a fortieth part of the original journal; still, as a record of part of the life of Ibn 'Aqil, as well as that of a small but detailed cross-section of Baghdad's religious, social and political history, it is a very precious document. The *Diary* begins in Shauwal 460/August 1068. Over two years have passed since the death of Abu Ya'la on 19 Ramadan 458/15 August 1066, following which Ibn 'Aqil was appointed to the Chair, over the head of *Sharif* Abu Ja'far, giving rise to the latter's hostility. Also, nine months have passed since the death of Abu Mansur in Muharram 460 (November–December 1067), ■ death which brought about the *Sharif's* persecution of Ibn 'Aqil. The last seven months of the *Diary*, following the month of Rabi' II, contain no mention of Ibn 'Aqil. His fate had already been sealed in a meeting between the *Sharif* and Ibn Ridwan.

The diarist mentions Ibn 'Aqil by name some fifteen times, and affords glimpses of his movements to the Gate of Degrees Quarter, and within its walls, where the young fugitive had sought asylum with the sons-in-law of his late patron and protector. After Ibn 'Aqil's Retraction in Muharram 465, it was reported that he escaped execution through the good offices of the caliphal prime minister, Fakhr ad-Daula Ibn Jahir (d. 483/1090).<sup>56</sup> The Ibn Jahir whom Ibn 'Aqil criticises in two of his letters is 'Amid ad-Daula Ibn Jahir (d. 493/1100), son of Fakhr ad-Daula. The period from 460 to 465 may be divided into three phases: (1) pursuit and persecution, which lasted one year and four months (there could have been ■ brief period of pursuit following the death of Qadi Abu Ya'la, in 458, and Ibn 'Aqil's succession to Abu Ya'la's chair, but Abu Mansur would have stepped in to protect his ward); (2) exile, lasting three years and eight months; and (3) 8–10 Muharram 465 (24–26 September 1072), the time of the public reading and formal signing of the Retraction in the Chancery of State, attested by five witness-notaries, five years to the month after Abu Mansur's death.

The following passages are excerpts from the *Diary* in translation or paraphrase; they relate to the second and third phases, and include my comments where needed. These passages afford the reader a more intimate understanding of the atmosphere pervading the case of Ibn 'Aqil and his accuser, *Sharif* Abu Ja'far, as well as the activities of the participants in this affair. Ready references to the *Diary* are given by the item numbers, the same for both the original Arabic text and the translation.

#### 1. Events Reported Prior to the Retraction

The *Diary* begins with the following date: 'Shauwal', perhaps Sunday, the first of the month (460/3 August 1068). Ibn al-Banna' notes [*Diary*, #1] that the previous month of Ramadan passed without dissension from beginning to end, and he praises God for it. A reading of the *Diary* reveals the case of Ibn 'Aqil as a source of dissension within the ranks of two groups, the Hanbalis and the Hashimi nobility. Ibn 'Aqil was a Hanbali; his accuser, *Sharif* Abu Ja'far, was ■ Hashimi as well as a Hanbali. The Hanbalis were divided between pro-*Sharif* and anti-*Sharif* members. Similarly divided were the Hashimis, headed by the Marshall of the Hashimi nobility, *Naqib an-Nuqaba'* Abu 'l-Fawaris Tarrad az-Zainabi (d. 491/1098), opposed to *Sharif* Abu Ja'far. One year and three months have passed since the death of the head of the Hanbali legal guild, Qadi Abu Ya'la; and seven months have passed since the death of Abu Mansur. By the time we get to the final outcome of Ibn 'Aqil's case, it will be clear that the headship of the Hanbali legal guild was an underlying cause of the *Sharif's* pursuit and persecution of Ibn 'Aqil.

The diarist's notation that the month of Ramadan had passed without dissension indicates that the *Sharif's* hostility towards Ibn 'Aqil had already begun, engaging two opposing forces within the Hanbali guild. Nothing is recorded in the *Diary* for Shauwal regarding Ibn 'Aqil, presumably indicating that this month, like Ramadan, had also passed without dissension. For the following month, Dhu 'l-Qa'da, the diarist records the death of a Hanbali, *Shaikh* Abu 'l-Fath Ibn Qurraiq, who had 'intervened in the case of Ibn 'Aqil'. [#15].

The great Mosque of al-Mansur is the focal point of much of the dissension among members of each of the two groups to which *Sharif* Abu Ja'far belongs. A first riot between the opposing members occurs after the Friday congregational prayer on 4 Dhu 'l-Qa'da/5 September). Two anti-*Sharif* Hanbalis, Ibn al-Badan (d. 493/1100) and Nasikh (d. 470/1077) are quoted making this statement: 'We wish to bring Ibn 'Aqil to the Mosque [of al-Mansur].' The diarist writes: 'This caused a commotion in the Mosque; fighting began, and a number of turbans were seized, and some people were injured. I had already prayed and returned.' [#16]

The reason for the commotion is that *Sharif* Abu Ja'far is bent on keeping Ibn 'Aqil from assuming his chair at the Mosque. Besides the hostility of the two fellow-Hanbalis, mentioned above, the *Sharif* comes into conflict with the Marshall of the Hashimis, Tarrad az-Zainabi. Here is what the pro-*Sharif* diarist records regarding the actions of the Marshall:

The Marshall of the Hashimis became angry with a group of people. He did not reprimand both sides; on the contrary, he laid his hands on a particular group, and this action of his proved to be true. He ordered the plundering of ■ residence belonging to a man by the

name of al-Ghada'iri, an inhabitant of the Basra Gate Quarter, located near the residence of the notable *Sharif* Abu Ja'far Ibn Abi Musa – God preserve the term of his life! The latter shrank in horror from this, and said: 'He [Ghada'iri] was not considered inviolable for being in my neighbourhood; on the contrary, he was attacked on account of me.' He had heard that the Marshall had given the order, 'Do this to him,' and al-Ghada'iri was plundered accordingly. [#17]

The Marshall of the Hashimis was no doubt aware of the fact that Ghada'iri was a source of information on Ibn 'Aqil for *Sharif* Abu Ja'far, a service he rendered the *Sharif* as recorded in a later passage of the *Diary* [see #76]. On the following day, Saturday, 5 Dhu 'l-Qa'da (6 September), *Sharif* Abu Ja'far and the diarist, Ibn al-Banna', met with a group of people in the Gharaba Gate Quarter. Two other leading Hanbalis were supposed to meet them there, but failed to make an appearance; these were Ibn al-Qauwas (d. 476/1083) and Abu 'Ali al-'Ukbari al-Barzabini (d. 486/1093). The diarist writes: 'We stayed there and submitted a written complaint. The Marshall was sent a message to attend, but he advanced various pretexts which kept him from coming.' [#17] It will later be seen that both Hanbalis, Ya'qub al-Barzabini and Ibn al-Qauwas, had no sympathy for the *Sharif*. [See #85 and #124.]

To judge by what took place the following day, that meeting was called in order to deal with the complaint of the *Sharif*, regarding the treatment of his informant, Ghada'iri. The diarist continues:

The following day, Monday, they were summoned to the Chancery of State. The Caliph [referred to in the Diary as 'Sultan', the Saljuq sultan being called 'Malik'] spoke in praise of the company, of the Hanbali *madhab*, and of the *Sharif*; he said that he ordered the Marshall to make no attempts against any persons, and to have what was plundered returned [to Ghada'iri], and that a fine be paid for what was consumed or spoiled. The Caliph added: 'We have given him twenty dinars; and he has been asked to return to his residence.' The *Sharif* said: 'I will not cross over [to the other bank of the Tigris], nor will I return to the place.' [The Basra Gate Quarter is the location of the Mosque of al-Mansur.] So *Ustadh* Abu 'l-Fadl al-Wakil, who served as Minister of Finance to Caliphs al-Qa'im [the present Caliph] and al-Muqtadi, approached the *Sharif*, kissed him on his head, and asked him to return. [#17]

The diarist notes: 'He softened after that, and he and the Marshall were brought together, and they made peace with each other.' A refusal on the part of the *Sharif* to go back to his residence in the Basra Gate Quarter, location of the Mosque of al-Mansur, is tantamount to a threat of secession, which keeps the area in question in a state of turmoil. *Sharif* Abu Ja'far uses the threat in order to force the Caliph to act in his favour.

The above passage is, as regards the case of Ibn 'Aqil, the last one recorded for the year 460/1067. Dissension was to recur during the new year, 461/1068. The first notation regarding the case is dated Tuesday, 19 Muharram, the first month of the year (18 November 1068). The diarist states that a man from Tutha, a West Side quarter,

told me about Ibn 'Aqil's case from beginning to end. He described how Ibn 'Aqil used to excite the young men to unsteadiness, causing them one by one to go astray; and that one of those who came in contact with him was ash-Shiraji [d. 499/1105], an honourable man, whose capital he devoured and distributed in bribes to those who would assist him in his evil inclinations and heretical innovations. He said that this was but an abridged account of a single instance coming to light, among many others. He also said that Abu 'l-Fath b. Qurraiq [see #15 above] had a dream in which he saw a great fire stimulated to burn fiercely, and a person feeding it with the straw of the *halfa*-plant; and that it was Ibn 'Aqil keeping the fire going for his companions and causing it to blaze fiercely for them; and that he forsook him from the time that he had seen this dream ... And Ibn at-Tabban [one of two Mu'tazili teachers of Ibn 'Aqil in *kalam*-theology] has said: 'May God curse Ibn 'Aqil! For he lied about me saying that I [attribute] to God children [from the standpoint of their spiritual nurture ...]. But no one but an infidel would say this.' And he [Ibn at-Tabban] gave many proofs for this. Suffice it that his own professors have already declared him an infidel! [#44]

Sibt Ibn al-Jauzi cites the above doctrine of the metaphorical paternity of God, as that of Ibn 'Aqil, who is quoted stating that 'it is conceivable for God to have a son from the standpoint of tenderness, compassion, commiseration and nurture.'<sup>57</sup> This doctrine, somewhat reminiscent of the supernatural adoption in Christianity, may well have been one of the condemned doctrines, not mentioned by name in the Retraction ('Among the things which I have transcribed ...'), and which Ibn 'Aqil abjured, and is probably that of his Mu'tazili teacher, Ibn at-Tabban. As for Shiraji, whom the diarist refers to as 'an honorable man', later notations in the *Diary* show that he is actively hostile towards the *Sharif*, against whom he lies in ambush along with a group of other anti-*Sharif* Hanbalis. This demonstrates that the diarist was not yet fully informed regarding the sympathies of all the participants. Ibn 'Aqil is being blamed for turning the minds of the young among his followers, leading them astray. Such an accusation was also used by Ibn Qudama in his *Tahrim*. Ibn Qudama may well have read this fragment of the *Diary*, brought from Baghdad by the Hanbali Diya' ad-Din al-Maqdisi (d. 643/1245), and instituted as *waqf* in the Madrasa Diya'iya, founded by him and named after him.

Two months later, on Friday, 12 Rabi' I, 461 (9 January 1069), Ibn al-

Banna' notes that the wind was so strong that no crossings [from the East Bank to the West Bank of the Tigris] could be made. He was in the Mosque of the Caliph. [The crossing would presumably have been to go to the Mosque of al-Mansur, in the Basra Gate Quarter.]

Suddenly, a man dropped a note in the study circle, on which the following was written: 'O you, who have seen in your dreams, for three consecutive nights, Abu 'Ali Ibn Jarada – May God have mercy on him! – saying: "Tell my brother [Abu 'Abd Allah Ibn Jarada, a son-in-law of Abu Mansur], 'Fear God, and act in piety.'" The man said: 'And I saw in one of his hands a pomegranate and in the other a bouquet of narcissi.' He continued: 'So I said: "How beautiful this is!" And he answered: "This is not mine, it belongs to the Shaikh Abu 'Ali Ibn al-Banna' – May God bestow upon him all kinds of favours!" And he prayed to God for him.' I made the dream known to him [to Abu 'Abd Allah Ibn Jarada]. [#44]

The diarist Ibn al-Banna', praised in this dream, was preceptor to the children of Abu 'Abd Allah Ibn Jarada, brother of the deceased. When Ibn al-Banna', author of an inextant work on oneirocriticism, was asked to interpret the dream, he said:

As for the pomegranate, it represents the putting of my affairs on a sound basis, and their continuation as best as can be wished, through their care [the care of Abu 'Abd Allah Ibn Jarada, brother of the deceased in question], and God's grace; but as for (the bouquet of) narcissi, it represents an urging to hold fast to the promise from them to me and from me to the deceased. I used to visit him now and then; so I went to him at daybreak on Saturday [13 Rabi' I/10 January] and offered him a complete recitation of the Qur'an which was with me. And I set aside for him a share of the Qur'anic recitation which I usually offer to the Shaikh Ajall, Ibn Yusuf, and his father Abu Tahir – I hope that God may thereby benefit them and all the dead of the Muslims together! [#74]

It appears from this extensive notation that Ibn al-Banna' had been retained by the deceased to recite the Qur'an over his grave, as he did over that of Abu Mansur Ibn Yusuf and the latter's father. It is clear that payment was to be made by the brother of the deceased, namely, Abu 'Abd Allah Ibn Jarada, the rich merchant son-in-law of the late merchant, Abu Mansur Ibn Yusuf. We also know from the *Diary* that the diarist was in the employ of Ibn Jarada, from the month of Shauwal 460 (the month began on 3 August 1068). Here [see #35 and the note] Ibn al-Banna' states that he has held courses since that date at the *masjid*-college assigned to him by Shaikh Ajall Abu 'Abd Allah Ibn Jarada; the mosque was known as *Masjid* Ibn Jarada. It would therefore appear that the diarist was somewhat

concerned about the state of his relations with the merchant's family, whose patriarch had died at the beginning of the year 460, and at the head of which Ibn Jarada had succeeded. His honorarium for his prayers at the graveside was apparently delayed, and he feared lest his services be no longer required. The diarist's concern is apparently due to his close relationship with *Sharif* Abu Ja'far, who is hostile to Ibn 'Aqil, protégé of the late Abu Mansur, and now in the care of his sons-in-law, Ibn Jarada and Ibn Ridwan. Whence the diarist's difficult position with the merchant – protectors of Ibn 'Aqil, on the one hand, and with the *Sharif*, on the other. In the next notation, we see the diarist defending Ibn Ridwan when the *Sharif* all but dubs him a Mu'tazili.

On Monday, 15 Rabi' I, 461 (12 January 1069), the *Sharif* Abu Ja'far sends a message to Ghada'iri, seeking an explanation for something concerning Ibn 'Aqil. He then says to the diarist:

I heard that he [Ibn 'Aqil] has been admitted into the residence of Abu 'l-Qasim Ibn Ridwan, and that he has reached him completely covered in a large veil. Now I do not know how this is to be understood of Ibn Ridwan. He has already declared to me that he is not connected with Mu'tazilism; but he who takes this man into his favour is, by that very fact, favouring the Mu'tazilis. [#76]

To this, Ibn al-Banna' replies: 'What he has done is not contrary to the true creed. He was simply asked for asylum and, feeling that he could not refuse, he treated Ibn 'Aqil with kindness.' To which the *Sharif* remarks: 'If he had sent him [i.e. some kind of help], we would not have minded; our only reproach is how he allowed him to come to him.' [#76]

The diarist goes on to note that he and the *Sharif* went to see Ibn Jarada to acquaint him with what had happened and to ask him whether he could throw some light on the matter.

His reply was: 'No; but there would be no harm in your acquainting the Sultan [the Caliph] – May God extend the term of his life! – with a report of what you had heard in regard to Ibn 'Aqil, including their statement [the statement of Ibn al-Badan and an-Nasikh], "we wish to return [sic, cf. #16 above] him to the Mosque [of al-Mansur]!"'

The diarist adds that this had been related to the *Sharif* as coming from Ibn Washshah (d. 463/1071), secretary of the Marshall of the Hashimis.<sup>58</sup>

Note the *Sharif's* readiness to inculpate those who aid Ibn 'Aqil, by accusing them of Mu'tazilism, and how Ibn al-Banna' justifies the action of Ibn Ridwan as legitimate. Note also that the earlier quotation of the statement of Ibn al-Badan and Nasikh [see #16 above] was that they wished to bring Ibn 'Aqil to the Mosque of al-Mansur. This later quotation has it that they wished to *return* him to the Mosque, which confirms that Ibn 'Aqil had already been active there in his role as professor.

The diarist writes: 'I handed *Shaikh Abu 'Abd Allah* Ibn Jarada the note containing the report of the dream. He read it and wept.' [#77] No doubt this means that Ibn Jarada was going to honour his late brother's wish, keeping the diarist remunerated for his recitations of the Qur'an over his brother's grave.

Another dream gives Ibn al-Banna' another chance to demonise Ibn 'Aqil, casting him in the role of a false prophet:

On Wednesday [17 Rabi' I/14 January], a resident of the Azaj Gate Quarter came to me and said: 'I dreamt that a prophet had appeared among the people; and I noticed that they held different opinions with regard to him. One party was saying, "It is not possible that a prophet should appear after our Prophet (Muhammad) – Peace be on him!" Then they agreed to ask you about that, saying (to one another), "There is no other person whatever for you other than Ibn al-Banna' [to solve this question]."' (Someone) said: 'Hear him!' Then, continued my informant, 'I awoke.'

'I said: "This man is a *zindiq* (heretic), a devil, who appears in order to lead the people astray! They are of different opinions with regard to him, but I shall be – Praise be to God! – the first to issue a *fatwā* as to his infidelity and deviation, and the reprobation of his heresy and error – if God so wills!' Then Abu 'l-Abbas b. ash-Shatti said: 'This is indeed (none other than) Ibn 'Aqil – if God so wills!' [#79]

The pronoun 'they' refers, no doubt, to the Hanbalis and the Hashimis who are, within each of these two groups, divided in their opinions regarding Ibn 'Aqil.

On the following Saturday, 20 Rabi' I (17 January 1069), Ibn al-Banna' notes that the Qadi *Sharif* Abu 'l-Hasan b. al-Muhtadi was with a group of Hanbalis, at his place in the mosque-college, when a person entered announcing that 'Ibn 'Aqil has come to the Quarter of the Gate of Degrees.' [#80] Ibn al-Banna' goes on to relate:

The man was asked: 'But what place did he enter, for he could neither have entered the residence of the *Ajall* Abu 'Abd Allah [Ibn Jarada], nor that of the *Ajall* Ibn Ridwan.' He replied: 'He entered the mosque occupied by Abu Nasr ad-Darir [d. 495/1102].' So I sent a tailor from among us, who was neither a jurist, nor of any other class of learned man, so that a dispute would not arise between them, saying to him: 'Go to Abu Nasr and whisper into his ear, "This man has seated himself in your place and I fear that a riot might occur (because of him)".' The Qadi *Sharif* [Abu 'l-Hasan b. al-Muhtadi] said (to me): 'Well done!'

The tailor went to do that, then returned in haste, saying: 'The riot has already broken out!' So we rose with those who were with us and proceeded to the residence of the *Ajall* Ibn Jarada. News reached us

that he [Ibn 'Aqil] had fled to the residence of Ibn Isma'il, and that the guard held the people back, seized a certain number of persons and confined them to the mosque. Then the riot was quelled and they released them at the end of the day.

Some say that Ibn al-Busri [d. 497/1104] is the one who made it possible for Ibn 'Aqil to come [to the Gate of Degrees Quarter]. So the people cursed him, saying: 'This man [Ibn al-Busri] wants to sully the good reputation of the *Ajall* Ibn Ridwan. [He did this] for the purpose of going halves with Ibn 'Aqil on what gifts he brings to him [from Ibn Ridwan]. This man is a Mu'tazili and an infidel.' It was also said that Ibn Ridwan was angry with Ibn al-Busri – May God defend the faithful from the evil of the hypocrites! [#80]

It is now clear that anyone connected with Ibn 'Aqil is liable to be accused of Mu'tazilism. It also appears that both merchants, Ibn Jarada and Ibn Ridwan, had promised not to admit Ibn 'Aqil into their homes; and that the sons-in-law of the *Ajall*, Abu Mansur Ibn Yusuf (in this case, Ibn Ridwan particularly), were seeing to the needs of Ibn 'Aqil. The latter was no longer in a position to provide for himself, having lost his patron, nor to assume his teaching post. The matter at issue between the opposing camps, i.e. the return of Ibn 'Aqil to the Mosque of al-Mansur, involves the Chair of the Baramika in that Mosque, a chair the *Sharif* wants to keep Ibn 'Aqil from occupying.

In the second half (perhaps 20 or 27) of the month of Rabi' I (17 or 24 January 1069), Ibn al-Banna' states:

The *Shaikh* Abu Sa'd b. al-Kawan informed me that Abu 'l-Hasan b. ash-Shuhuri said to him: 'This Ibn 'Aqil had written a note for me to deliver to the *Shaikh Ajall*, Abu Mansur Ibn Yusuf – May God have mercy on him! But Qadi Abu Ya'la sent me a message saying: "Do not deliver any note of his! For this is a man who is a *zindiq* and a heretical innovator!"' So,' continued my informant, 'I forsook him and did not deliver his note.' [#82]

Ibn al-Banna' uses dreams, his own and those of others, in order to demonise Ibn 'Aqil, in his effort to serve the cause of the *Sharif*. In his mind, an allegation such as this one could serve as the *coup de grâce* to the young man's cause. Qadi Abu Ya'la, professor of law to both the *Sharif* and Ibn 'Aqil, is presented here not merely as a professor displeased with a disciple, but as the head of the Hanbali legal guild, who has condemned one of its members, Ibn 'Aqil, as a *zindiq* (heretic). Such an allegation is highly dubious when one considers the historical sources, as well as the works of Hanbalis, including Ibn 'Aqil's own, regarding his relations with Abu Ya'la. The latter was no doubt aware of Ibn 'Aqil's study of *kalām*, and probably encouraged him in this, having himself written extensively on the subject.<sup>59</sup> Nevertheless, such allegations against Ibn 'Aqil appear to have influenced a

fellow-Hanbali of the following century, the Damascene Ibn Qudama. In his aforementioned *Tahrim*, he divides the lifetime of Ibn 'Aqil into two periods, condemning the early, pre-Retraction period as being, of all things, that of an Ash'ari! Ibn 'Aqil's *Opuscules* on the Qur'an, among other writings, gives Ash'aris the name '*al-Ashā'ira al-Uzzāl*', which may be freely translated as 'neo-Mu'tazili Ash'aris'.

## 2. Negotiations Leading to Exile

We now come to the last event during which the fate of Ibn 'Aqil was sealed: his exile. The date is Thursday, 23 Rabi' II, 461 (19 February 1069). A meeting takes place between Ibn Ridwan and *Sharif* Abu Ja'far. The diarist reports:

A long conversation on matters of importance took place between them. They then returned to the Chancery of State (*Dīwān*), pursuant to a written decision to that effect, issued to both of them. The Marshall and a group of Hashimis were present; and peace was made between them [between the Marshall and *Sharif* Abu Ja'far]. High-level instructions were issued for the protection of the *Sharif* [Abu Ja'far] Ibn Abi Musa, and of the companions and the crowd with him, so that he might return to his residence in the Basra Gate Quarter. But Abu Ja'far requested that he be excused, himself assuming the responsibility of crossing over. Then the crowd dispersed; and he made the crossing at the end of daylight on Thursday, the twenty-third of this month [19 February]. [#97]

Since Abu Ja'far and his party needed protection, it is he who emerged the winner in this meeting, the elements of which are nowhere set down in the extant *Diary*, nor for that matter in any known source. The events that follow this date indicate that *Sharif* Abu Ja'far won his case. The diarist writes:

On Friday [24 Rabi' II/20 February], the *Ajall* Abu 'l-Qasim Ibn Ridwan and the group (of Hanbalis) crossed over and attended the *halqa* of the *Sharif* (Abu Ja'far).<sup>60</sup> There was not a single qadi, jurisconsult, or *shāhid* (notary) who did not attend, including the Marshall and the Hashimis. It was a day on which numerous persons were present. I was with the *Sharif*. There occurred between me and *Shaikh* Abu Nasr Ibn as-Sabbagh, a disputation on canonical ablution ... The gathering was a considerable one, beyond reckoning. We then performed the Friday congregational service of worship. The crowd pressed against us to such an extent that we feared for the effects of the thronging on the elderly people. Then we rose, while the people invoked the blessings of God upon the Caliph and his entourage, upon the *Sharif* and his companions, and upon the *Ajall* Ibn Ridwan.

They sprinkled dirhems upon him, and went forth with him keeping him company until he had descended from his mount ... And the people passed the night in joy and happiness. God thus put an end to that (affair). [#98]

A disputation on points of law, outside the walls of a college of law, or as part of a regular series carried out in the homes of jurisconsults, indicated the celebration of a solemn event – in the present case, a happy one. Clearly, satisfaction was felt by the three parties, upon whom the blessings of God were invoked: (1) the Caliph, satisfied no doubt that he could look forward to a riotless period of peace; (2) Ibn Ridwan, satisfied, most likely, that the *fatwa* for the execution of Ibn 'Aqil would not be carried out, unless, of course, the young man refused to recant; and, finally, (3) *Sharif* Abu Ja'far, evidently satisfied with his part of the deal. Two other parties involved – Ibn 'Aqil and the Marshall of the Hashimis – emerged the losers. Ibn 'Aqil remains in exile, until he signs the Retraction. The Marshall, pro-'Aqilian and anti-*Sharif*, had no share in the blessings invoked.

Let us now resume Ibn al-Banna's narration of the events which followed:

On Saturday, the following day [25 Rabi' II/21 February 1069], Ibn al-Badan came to the mosque accompanied by a group of people, making a show of their congratulations on what had taken place, and of their rejoicing at it. On Friday, the *Ajall* Abu Muhammad at-Tamimi had been present at the *halqa* and had said to the *Sharif* Abu Ja'far: 'It is related of the Apostle of God – God's blessings and peace be on him! – that he said: "A part of my Community shall not cease to hold fast to the truth, unharmed by the enmity of their enemies, till the Day of Resurrection." Then he said [to *Sharif* Abu Ja'far], in the presence of the congregated body, including the Marshall and others: 'Praise be to God Who has given you victory over your enemies, made your word prevail, resuscitated the Sunna through you, and caused heretical innovation to die through him [the Marshall? or Ibn 'Aqil?]. We, and the group [of Hanbalis], and the Prince of the Faithful [the Caliph], are your helpers and auxiliaries. "God certainly will aid those who aid His cause" [Qur. 22:40]. We will fight in front of you with a sword which will not be unsteady' – [the diarist interjects:] what I think he should have said is: 'which will not bend.' Then the people left.' [#99]

The diarist had his doubts about the sincerity of Ibn al-Badan and his party 'making a show' of their congratulations and of their rejoicing at the outcome. As for the speech of Tamimi, ambassador of the Caliph, it is but a diplomat's eloquence, declaiming for the Caliph's ear, more so than for that of the *Sharif*, for whose activism he had, as we shall presently see, very little enthusiasm. The diarist continues:

On Saturday, they began to repeat what had occurred. One of the *Shaikhs* present said to me: 'By God! I do not recognise any other influence on the solution of this case, after God – Glory be to Him – except the blessings of the *Shaikh Ajall* Ibn Yusuf – May God make his face beautiful and bright!' [#99, last paragraph]

The diarist's mention of this was wishful thinking; for in the very next notation we meet those who were dissatisfied with the outcome of the case:

It was reported that a group [of anti-*Sharif* Hanbalis] went to his [Abu Mansur's] grave, rubbed their cheeks against it, and said: 'O Master! A matter, which concerns us, has become serious. Heretical innovations have gained the upper hand; and they want to obliterate the truth. Whom do we have who will assist the Muslims after you? In whom may we seek refuge after seeking it in God? We abide with heads inclined and in silence. The Hanbalis are in the mosques and in the market-streets, subjected by them to tears and inquisitions.' On being informed of these words, the *Ajall* Ibn Ridwan was thereby moved to pity and became deeply chagrined. [#100]

The diarist introduces the above notation with 'it was reported that', which means that the information did not originate with one of his own informants. This would seem to indicate that the Hanbalis referred to are of the party of Ibn 'Aqil: frustrated Hanbali youths, deprived of their young professor's enthusiastic and challenging teaching. They complain of being pursued in the mosques and in the market-streets, subjected 'to tears and inquisitions', as was their leader, Ibn 'Aqil. As followers of Ibn 'Aqil, they were being pursued, but not forced to make any retractions. Their chagrin seems to be over the loss of what Abu Mansur had obtained for Ibn 'Aqil, and which has been negotiated away by his less powerful son-in-law, Ibn Ridwan. The sympathetic chagrin of Ibn Ridwan would be due to the fact that he could not, under the circumstances, keep things as they were before his father-in-law died; his only consolation would be that he did the best he could, by obtaining the cancellation of the *fatiha* for Ibn 'Aqil's execution when the latter retracts.

After relating a wondrous story regarding Abu Mansur Ibn Yusuf, the diarist quotes the man who found his usual stipend from the late Ibn Yusuf at the latter's grave: 'This occurrence is a miracle which the *Shaikh* has worked after his death.' [#101] The diarist then goes on to the next dated notation:

On Sunday [26 Rabi' II/22 February 1069], a multitudinous crowd of [Hanbali] companions and Hashimis gathered with the *Sharif* Abu Ja'far, who crossed over to the Caliph thanking him and invoking the blessings of God upon him. Then he returned to the Gate of Degrees Quarter and entered upon the *Shaikh Ajall* Abu 'l-Qasim [Ibn Ridwan], who rejoiced in receiving him and at what had taken place.

Then they left his place to go to the residence of the *Shaikh Ajall* Abu 'Abd Allah Ibn Jarada. Ibn al-Badan, ash-Shiraji, as-Saffar, and an-Nasikh were lying in ambush in the mosque of Ibn ash-Sha'iri. After the *Sharif* had passed by with most of those who were with him, they struck them with one or two bricks. Whereupon, some of them returned to the house of the *Ajall* Ibn Ridwan, who gave orders, saying: 'See who is in the mosque!' Upon seeing the ambushees, they had the guards lay hold of them, keeping them under guard. Then Ibn Ridwan said: 'We will have them released after the crowd disperses, lest they be killed.' Heading back, the *Sharif* said: 'When I said that the causes of the riots are not being extinguished, I was opposed in that regard, and obliged to cross over to the West Bank. But he who provokes the riot [the Marshall] is neither hindered, nor reproved. As for me, I will not leave my residence, in which I have been living, in the Mu'allâ Canal Quarter [east bank].' Then the Hashimis said: 'No town is capable of containing both us and those heretical innovators!' The one who said this was the *Sharif* Ibn 'Abd al-Wadud [d. 467/1074], (accompanied by) his sons, and (by) the Hashimis and their followers. Then they set out, returning to the Gate of the Caliph [of the Caliphal Quarter]. I hope that God – Exalted is He above all – will extinguish the riots, crush the heretical innovations, and make manifest the Prophetic Traditions. (In this regard,) I recite the following verses of mine:

I wonder at this age, and at the people who want to extinguish the light and annul the truth.

But the lighthouse of this religion has never ceased to be high; it has not ceased to make its sunsets appear on the horizon as though they were in the East.

It has ever subdued the *zindiq* and judged the opposer bad, and rejected the partisans of error, completely ruining them.

May God have mercy on the blood of the *Ajall* Ibn Yusuf; he has indeed succeeded in the Two Worlds; he has outstripped all others in obtaining grandeur.

The ambushees remained in prison, attended by the guards in the hut, and the guarding (lasted) until the end of Wednesday, the twenty-ninth of this month (25 February). Then the *Sharif* was summoned. He went, accompanied by three of his companions. They spoke to him with regard to the prisoners, and he said: 'I have already pardoned them.' Then he left. The *Ajall* Ibn Ridwan went, speaking also on their behalf. So they released them, on condition that they not stir up a riot, and not give utterance to things unlawful. They also said to them: 'We have posted special secret agents against you.' So upon giving assurances in that regard, they were released. [#102 and #103]

Note the way Ibn al-Banna' reports the ambush – 'they struck them with one or two bricks.' The diarist no longer has need to present the matter in the worst possible light. He is reporting on the losing party. Both parties claim to hold the truth, that of Ibn al-Banna', whose verses to that effect are quoted above, and the group of young Hanbalis complaining at the grave of Abu Mansur; and each party taxes the other with heretical innovations and the obliteration of the truth. Ibn 'Abd al-Wadud is another Hashimi who opposes Sharif Abu Ja'far. This may be gathered from the diarist's previous report [#83] that Sharif Ibn 'Abd al-Wadud's leading of the prayer attracted a small attendance, whereas that of Sharif Abu Ja'far, which followed, attracted a large one. The Hashimis were generally against their fellow-Hashimi, Sharif Abu Ja'far. Thus their statement 'No town is capable of containing both us and those heretical innovators', was aimed at Abu Ja'far and his party. Note that Ibn 'Abd al-Wadud and his party 'set out, returning to' the Gate of the Caliphal Quarter, which was their quarter on the East Side of Baghdad, location of the Quarter of the Gate of Degrees, the Caliphal Palace and the Mosque of the Caliph; Abu Ja'far and his party have their quarter on the West Side, location of the Basra Gate Quarter and the Mosque of al-Mansur. The verses of the diarist are aimed against Ibn 'Aqil, the so-called *zindiq* (heretic) and his party, the 'heretical innovators'. Both parties appeal to the same person, the late Ajall Ibn Yusuf. The Sharif could indeed afford to be magnanimous ('I have already pardoned them') – he had already won the case.

The atmosphere lost little of its tension. On Thursday, 1 Jumada I (26 February), the Sharif crossed over from the East Side to the West Side Quarter of the Basra Gate and passed the night there. The diarist continues:

In the morning [Friday, 2 Jumada I (27 February)], he [the Sharif] had decided to be present at the Mosque of al-Mansur. Then he heard that a group of people wanted to cause a riot; so he crossed over to the Mosque of the Caliph, where it was my turn to lead the Friday service of worship ...

The Ajall Ibn Jarada went to Daskara with his sons and the Shaikh, Abu'l-Qasim Ibn Ridwan. Then he shut his door. The group sought repose, thanks to what [charitable gifts] they had sent to the respectable circles. [#106]

Abu Ja'far was thus hindered from leading the Friday service of worship in the great Mosque of al-Mansur. The party of Ibn 'Aqil was lying in wait for him. To avoid trouble, he returned to the safety of the East Side. As for the family of the Hanbali merchants, sons-in-law of the late Abu Mansur, the notation tells of their leaving town on vacation, seeking a respite from the ordeal.

The diarist goes on to write that on Friday, the ninth of the month (6 March), the Sharif does not go to the Mosque of al-Mansur. It is the turn of

Ibn al-Banna' to lead the Friday service of worship, but he accedes to the wishes of the Sharif, and decides not to go. Instead, they both go to the Mosque of the Caliph, remaining in the safety of the East Side. The meeting they held there with Sharif Ibn Sukkara, presumably after the Friday service of worship, had to do with this Sharif's action against the drinking of intoxicants going on in the precincts of the Caliphal Palace, his breaking of the lutes and drums, and his draining of the wines. [#108]

### 3. Long Period of Silence Before the Retraction

The two camps continue their quarrels and other events attract the attention of the diarist, but neither the quarrels nor the events bear any definite relation to the case of Ibn 'Aqil. The ambush of Ibn al-Badan and his group, and the Sharif's ready pardon, are the last events in the *Diary* connected with him. The fragment we have of the *Diary* continues for seven more months, during which the silence reigning over this affair is a clear indication that a settlement had taken place on 23 Rabi' II, 461 (19 February 1069).

### 4. Legal Basis and Underlying Motive for the Retraction

Ibn 'Aqil's two 'crimes', specified in the Retraction, were Mu'tazilism and Hallajism. Since the promulgation of al-Qadir's edicts and the Qadiri Creed, Mu'tazilism could be considered a crime against the State. But it was not the Caliphal chancery that brought the case against Ibn 'Aqil; the accuser was Sharif Abu Ja'far. The contemporary governing power was not pursuing any of the Mu'tazilis, numerous and well known in Baghdad, most of whom were members of the Hanafi guild. Moreover, neither the name of Hallaj, nor any of his Sufi doctrines, find any mention in the Qadiri Creed, nor is there any such mention in the events antecedent to the Retraction.

Nevertheless, Ibn 'Aqil had to retract his treatise on Hallaj, the *Nuṣra*. Two facts make the retraction of this treatise paradoxical: (1) the Hanbali guild is at this time replete with ascetic Sufis, among whom was al-Ansari al-Harawi; and (2) as Louis Massignon has rightly indicated, there was never unanimous consensus among the jurisconsults in condemnation of Hallaj, notwithstanding the statement in the Retraction to the effect that Hallaj was condemned 'as a result of the consensus of the jurisconsults of his time'. Indeed, the fact that the case of Hallaj remained a disputed question is palpable proof that it fell short of achieving the consensus of the jurisconsults. One is therefore led to conclude that the Sharif, Ibn 'Aqil's accuser, was responsible for the inclusion of the statement regarding Hallaj, but not necessarily because he was anti-Hallaj. He was upholding the legal opinions (*fatwās*) of some jurisconsults against Ibn 'Aqil, even

though their opinions, opposed by authoritative jurisconsults, had failed to achieve unanimous consensus. But, with the help of his partisans, he was able to keep Ibn 'Aqil from assuming his chair in the Mosque of al-Mansur. In return, the Marshall kept the *Sharif* from teaching or leading the Friday prayers in the same Mosque.

*Sharif* Abu Ja'far was militantly opposed to Mu'tazilism, and thus to Ibn 'Aqil, whom he considered a Mu'tazili. But he also nursed a personal grudge against the youth, twenty years his junior, for being enabled to succeed their mutual master, the late Qadi Abu Ya'la, to the Chair of the Baramika. The *Diary* specifies the place in conflict, i.e. the Mosque of al-Mansur, and the reason for it, i.e. the wish 'to bring [return] Ibn 'Aqil' to that mosque. This was the *Diary*'s first mention of Ibn 'Aqil's case in the penultimate month of 460/1067. The Marshall of the Hashimis was traditionally in charge of the security of those who taught in the Mosque, where riots were known to occur, when one faction wished to prevent the person chosen by an opposing faction from teaching there. One of Ibn 'Aqil's teachers had been the cause of such a conflict in his day, the well-known historian of Baghdad, al-Khatib al-Baghdadi, who had transferred from the Hanbali guild to that of the Shafi'is, and was accused of having become an Ash'ari.

Ibn 'Aqil, who had fallen ill, had entrusted some of his works to a certain Ma'ali al-Ha'ik. A report in Ibn al-Jauzi's *Muntazam*,<sup>61</sup> relates that Ma'ali, on discovering their contents, delivered them to *Sharif* Abu Ja'far. The *Sharif* now had the evidence to issue his *fatwa*, forcing Ibn 'Aqil to make a public retraction, or face execution. The fact that he went into hiding, to escape execution, would indicate that he had refused to retract. The Retraction eventually cost him the Chair. He is known later to have had his own *masjid*-college in the East Side Zafariya Quarter, the quarter of his residence, whence one of his *nisba*-names, az-Zafari. In the sources known to me, there is no indication of his having taught in the Mosque of al-Mansur after his patron's death, nor after the *Sharif*'s death. As for the *Sharif*, he is known to have taught in that mosque only before, not after, his pursuit of Ibn 'Aqil.<sup>62</sup>

The *Sharif*'s *fatwa* was presumably seconded by the diarist [cf. #79], if not also by others among the *Sharif*'s partisans. The *Sharif*'s hopes for the headship of the Hanbali guild and succession to Abu Ya'la's chair had been dashed by Abu Mansur. The latter's sudden death, by poisoning, gave the *Sharif* a free hand to continue his pursuit of Ibn 'Aqil. Armed with the latter's writings on Mu'tazilism and Hallaj, the *Sharif* could once again hope for success, confident that Ibn 'Aqil would be the loser: for he would either have to retract, in which case he would be discredited; or he would refuse, in which case he would either face execution when apprehended, or evade apprehension and remain indefinitely in hiding, out of reach of both the chair and headship of the guild.

The terms of the negotiations between the *Sharif* and Ibn Ridwan remain unknown. Clearly, the *Sharif* emerged the winner, and Ibn 'Aqil the loser, at least while his accuser lived. The *Sharif* succeeded to the headship of the Hanbali guild, according to the biographical notice of his student, Ibn Abi Ya'la (a notice adopted by Ibn Rajab). While the *Sharif* lived, Ibn 'Aqil did not teach, and was thus hindered from spreading ideas which the *Sharif* believed to be Mu'tazili. As for Ibn 'Aqil, he lost the chair but, after the *Sharif*'s death, resumed teaching in a mosque-college of his own, and became head of the Hanbali guild.

### 5. Hallaj and Ibn 'Aqil

There is reason to believe that Ibn 'Aqil, in his heart of hearts, did not cease to venerate the great mystic, Hallaj. For, while condemning the social behaviour of his contemporaries among the Sufis, whom he considered to have descended to the lowest levels of debauchery, he praised that of the early Sufis, whom he held in the highest regard, often making a clear distinction between them and what he considered to be sham Sufis. However, I have nowhere come across a single mention of Hallaj by Ibn 'Aqil, and this includes his own available works.

### 6. Mu'tazilism and Ibn 'Aqil

Ibn 'Aqil, while anti-Ash'ari, was tolerant of Mu'tazilism. Brought up in the midst of it up to the age of sixteen, it held no fear for him. As a Traditionalist, however, he was opposed to Rationalism. He preferred, as Rationalists, the straightforward Mu'tazilis to what he considered the ambivalent Ash'aris, who 'take a step forward toward Mu'tazilism but dare not (go the distance), and another step back toward the Traditionalists for cover, so as not to give away (their true beliefs).'<sup>63</sup>

### V. PERIOD OF OBSCURITY: 460-70

The ages of Ibn 'Aqil's students would seem to indicate that he did not resume teaching before the death of the *Sharif*. It appears that for a period of ten years his teaching activity was suspended: from 460/1067, the year of his patron's death and the resumption of pursuit by the *Sharif*, to 470/1077, the year of the *Sharif*'s death, five years after the Retraction. Judging by the ages of the students, none was old enough to begin his college legal studies during this period. This was part of the price Ibn 'Aqil had to pay for the withdrawal of the *fatwa* for his execution. As for the *Sharif*, he is reported to have died after a long period of illness, due to poisoning, by a jurisconsult, very likely a member of the anti-*Sharif* group. In a last will and

testament sent to Abu 'Abd Allah Ibn Jarada, and copied by the diarist Ibn al-Banna', the *Shari'a* commends his followers to the care of the Hanbali merchant, failing which he commends them to God's care. He also requests that the funeral prayers be performed in the Mosque of al-Mansur (where they did take place), if the matter could be facilitated for them. This means that the hostility between the two antagonistic groups was far from having abated.<sup>64</sup>

## VI. RESUMPTION OF PROFESSORIAL CAREER: c.470–c.513

Once free to resume his teaching, Ibn 'Aqil had many students, some known to have transmitted Prophetic Traditions on his authority, contrary to Ibn Rajab's criticism of Ibn 'Aqil's knowledge of *hadith*. Ample evidence in the *Funun* shows his extensive citations of the *hadith* and of the Qur'an, and the exegesis of these material sources of Islamic law.

### 1. Students of *Hadith*

Ibn Rajab himself cites the names of Ibn 'Aqil's students of *hadith* in the laudatory biographical notice he dedicated to him in his *tabaqat*, one of his most extensive notices on the Hanbalis of the fifth to the eighth centuries of Islam (eleventh–fourteenth centuries AD). He names twelve students of *hadith*, among whom are the following five:<sup>65</sup>

(1) Al-Mubarak b. Kamil al-Khaffaf az-Zafari (495–543), who was called *Mujid al-Trāq*, a coveted title of scholars of *hadith*.<sup>66</sup> He was a resident of Ibn 'Aqil's quarter, az-Zafariya.

(2) Abu 'l-Fadl Muhammad Ibn Nasir al-Baghdadi (467–550), former Ash'ari-Shafi'i, who transferred to the Hanbali legal guild, and was one of Ibn al-Jauzi's professors. He figures among those who transmitted the Qadiri Creed.<sup>67</sup>

Three students are given by Ibn Rajab as having received the licence (*ijāza*) to transmit *hadiths* on the authority of Ibn 'Aqil. They are as follows: (3) Abu Sa'd (also Abu Sa'id) 'Abd al-Karim b. Muhammad at-Tamimi as-Sam'ani (506–562), a well-known *hadith* scholar and biographical historian of Baghdad, who wrote a continuation of the *Tārikh Baghdaḍ* of al-Khatib al-Baghdadi;<sup>68</sup> (4) Abu 'l-Husain 'Abd al-Haqq b. 'Abd al-Khalīq al-Yusufi (494–575);<sup>69</sup> and (5) Abu 'l-Qasim Yahya b. As'ad b. Bush al-Azaji al-Hanbali al-Khabbaz (d. 593/1197).<sup>70</sup>

Another student, not in Ibn Rajab's list is (6) Muhadhdhib ad-Din Abu 'l-Hasan Sa'd Allah b. Nasr b. Sa'id (482–564), known as Ibn ad-Dajaji, Ibn al-Hayawani, both meaning 'poultry vendor'. Jurisconsult, sermonist, Qur'anic scholar, Sufi, and humanist, this student is a link between Ibn 'Aqil, his teacher, and Ibn Qudama, his own student. Ibn Qudama states

that his teacher studied under the direction of Kalwadhanī and Ibn 'Aqil. Ibn ad-Dajaji appears to have studied the art of the sermon under Ibn 'Aqil, Kalwadhanī not being known for that discipline. To Ibn 'Aqil, he may also owe his Sufism and his censure of *kalām*. His professors of law were Kalwadhanī, and the latter's disciple, Abu Bakr Ahmad ad-Dinawari (d. 532/1138). Ibn ad-Dajaji was a transmitter of Ibn 'Aqil's *al-Intiṣār li-Ahl as-Sunna wa l-Hadīth*. He was probably also one of the transmitters of Ibn 'Aqil's *Nuṣra*. In the *Tārīm*, Ibn Qudama cites three treatises of Ibn 'Aqil, *al-Intiṣār* among them, describing them as being 'full of Traditionalist doctrines and of the refutation of heretical innovators.' Ibn Qudama no doubt studied the *Intiṣār* under Ibn ad-Dajaji; could he also have studied Ibn 'Aqil's *Nuṣra*? This would explain why he passed over it in silence, when quoting Ibn 'Aqil's Retraction, discreetly omitting the part on the *Nuṣra* and Hallaj.<sup>71</sup> Ibn Qudama was a Sufi of the Qadiriya order.<sup>72</sup>

### 2. Students of Law

A list of Ibn 'Aqil's law-students follows:<sup>73</sup>

- (1) Abu 'l-Barakat Muhammad b. Sa'd b. al-Hanbali al-'Assal (470–509).
- (2) Abu Muhammad 'Abd Allah b. al-Mubarak b. al-Hasan al-'Ukbari, known as Ibn an-Nabbal (before 458–528). It was on the suggestion of his other teacher, Shafi'i al-Jili (d. 480/1087), that he sold some of his property in order to buy two works of Ibn 'Aqil and institute them as a charitable trust, *waqf*, in perpetuity: *Kitāb al-Funūn*, frequently cited in these pages, and *Kitāb al-Fuṣūl*, a major work on positive law, only partially extant.
- (3) Abu 'l-Barakat Ahmad b. 'Ali al-Abradi (d. 531/1137).
- (4) Abu 'l-Ma'ali Salih Ibn Safi' b. Salih al-Jili (474–543). It was his father, Shafi'i, who gave Ibn an-Nabbal al-'Ukbari the idea of instituting two of Ibn 'Aqil's works as *waqf*.
- (5) Abu Bakr 'Abd Allah (also Ahmad, Muhammad as first names, *isms*) b. 'Abd al-Baqi b. at-Tabban (before 454–544/1062–1150).
- (6) Abu 'l-Karam 'Abd al-Malik b. Ahmad b. 'Ali al-Ya'qubi (470–550/1077–1155).<sup>74</sup>
- (7) Abu 'l-Hasan Muhammad b. Ahmad b. 'Ali al-Abradi (d. 554/1159), son of the above-mentioned Abu 'l-Barakat al-Abradi.
- (8) Abu 'l-Hasan 'Ali b. Muhammad al-Bazzaz ad-Dabbas (470–549/1077–1154). He was a graduate student of Ibn 'Aqil in Traditionalist humanism. Ibn an-Najjar states that 'he was a *sāhib*, i.e. graduate fellow, of Ibn 'Aqil, the jurisconsult, and other Hanbali *shaikh*s, and was well-instructed in their moral disciplines' (*sahiba Abū 'l-Wafā' Ibni 'Aqil al-faqīh wa-ghairihī min shuyūkh al-Hanabila wa-ta'addaba bi-akhlāqihim*). Traditionalist *adab*-humanism included Prophetic Traditions, asceticism, and the art of the sermon, among other disciplines. Bazzaz was, in turn, one of the teachers of Ibn al-Jauzi, the great sermonist of the twelfth century.<sup>75</sup>

The following three students of Ibn 'Aqil were highly distinguished as Hanbali scholars who, like Ibn 'Aqil, had their difficulties with fellow-

jurisconsults within the Hanbali legal guild. They each found their own solution: (9) Abu 'l-Fath Ahmad b. 'Ali b. Muhammad al-Wakil, known as Ibn Barhan (479–518/1087–1124), who transferred to the Shafi'i guild. (10) Abu Ja'far 'Abd as-Sayid b. 'Ali Ibn az-Zaituni (d. 542/1148), who became a Mu'tazili-Hanafi. (11) Abu 'l-Faraj Sadaqa b. al-Husain Ibn al-Haddad (d. 573/1177), who added philosophy to his Hanbalism, and remained a Hanbali.

## VII. IBN 'AQIL IN THE JUDGEMENT OF POSTERITY

The case of Ibn 'Aqil continued to be the subject of controversy among the Traditionalists of the Shafi'i and the Hanbali legal guilds. But, as the years drew further away from the fifth/eleventh century, even those who felt obliged to condemn him, on the basis of the principle of 'ordering the good and prohibiting evil', have words of the highest praise for his achievements as a religious intellectual. Favourable towards him are a number of the greatest intellects from both legal guilds. Seven of them are Hanbalis, and five are Shafi'is. The advice of Ibn 'Aqil, head of his legal guild, was sought by caliphs and sultans. As early as the century in which he died, we begin to hear what posterity had to say about him. The accusation levelled against him by some Hanbalis of later centuries is that he indulged in the metaphorical interpretation of the divine attributes, a doctrine they believe he owed to his Mu'tazili professors. But not a single Traditionalist, Hanbali or Shafi'i, condemns him for it outright, without some nuance, tolerance, or sympathy.

### 1. Silafi (d. 576/1180)

The celebrated Silafi, a native of Alexandria, came to know Ibn 'Aqil when attending his disputations. He heard Ibn 'Aqil talking about his grandfather, who was the secretary of the Buwaihid Baha' ad-Daula, and the composer of the letter which brought al-Qadir to the caliphate, replacing at-Ta'i'. He also quoted Ibn 'Aqil mentioning that the letter 'is in my possession in the handwriting of my grandfather'.<sup>76</sup> Dhahabi quotes Silafi on Ibn 'Aqil:

My eyes have not seen the like of Abu 'l-Wafa' Ibn 'Aqil. No one could dispute successfully with him, because of the extent of his learning, the eloquence of his delivery, the brilliance of his speech, and the power of his arguments. One day, when disputing with our professor, al-Kiya Abu 'l-Hasan [al-Harrasi], al-Kiya said to him, 'That is not the doctrine of your guild!' Ibn 'Aqil answered: 'Do you consider me to be like Abu 'Ali al-Jubba'i, or so-and-so, knowing nothing? My scholarship is such that when my adversary demands proof, I have that with which I can defend myself and present him with my proof.' Kiya then said: 'Such is our opinion of you!'<sup>77</sup>

### 2. Ibn al-Jauzi (d. 597/1200)

Ibn al-Jauzi describes Ibn 'Aqil as being 'unique in his era, foremost leader of his time, handsome, with distinctly good moral qualities'.<sup>78</sup> Elsewhere he says of him, partly on the authority of his professor, Ibn Nasir:

Leadership in theology and law ended up with him. He was of sweet disposition, penetrating intellect, with Baghdadi ingenuity and perspicacity, excelling his peers in disputation, an author of great works. He who peruses his works, or reads some of his thoughts and the events recorded in his book entitled *al-Funūn*, in two hundred volumes, will know the measure of the man; some one hundred and fifty volumes of it have come into my possession.<sup>79</sup> As noted previously, Ibn al-Jauzi is a great source for passages from Ibn 'Aqil.

### 3. Ibn Qudama (d. 623/1220)

Ibn Qudama, who makes the Retraction a watershed separating the orthodoxy of Ibn 'Aqil from what he considers to be his heterodoxy, attacks him for having fallen under the influence of Rationalist doctrines; indeed, he considers Ibn 'Aqil to have been an Ash'ari. He devoted an entire treatise, *Tahrīm an-nāzir fī kutub Ahl al-Kalām* ('Prohibition of the Study of Books by the Theologians of Kalam'), to the censure of *kalām*, in which he condemns the Mu'tazilis, the Ash'aris and Ibn 'Aqil. To his mind, the greatest danger to orthodoxy were the Ash'aris and Ibn 'Aqil. This attitude was no doubt highly influenced by the bitter struggle between Hanbali Traditionalism and Ash'ari Rationalism in Damascus, where Ibn Qudama was the head of the Hanbali guild. But there were other reasons, not confined to Ibn 'Aqil's erstwhile heterodoxy. In his writings, Ibn 'Aqil criticises the doctrine of *imrār*,<sup>80</sup> a doctrine which Ibn Qudama upholds in his *Tahrīm*. Also Ibn Qudama may well have held another grudge against Ibn 'Aqil for his strong criticism of Sufis of his day for censurable practices, some of which would not have been so considered by Ibn Qudama, the author of *Kitāb at-Tauwābin* ('The Book of Penitents'), in which they pass for pious acts.

In the *Tahrīm*, Ibn Qudama condemns *kalām* outright, whereas Ibn 'Aqil, as will be seen, advocates a *kalām* which he considers a necessary component of theology. And in his lost *Kitāb al-Irshād fī uṣūl ad-dīn* ('The Right Guidance in the Roots of Religion') Ibn 'Aqil castigates those of his colleagues who condemn that theology, as ignorant of its true nature. Ibn Qudama, in fact, prefers Ghazzali (d. 505/1111) to Ibn 'Aqil, a preference which may be seen in his *Jannat an-nāzir wa-junnat al-munāzir*, a work on *uṣūl al-fiqh*. He copies there the book on logic (*mantiq*), with which Ghazzali begins his *Mustasfā* on *uṣūl al-fiqh*. Rather than follow the example of Ibn 'Aqil in the *Wādiḥ*, by adopting dialectic (*jadal*), more in line with the jurisconsults in their practice of disputation, he preferred, as a propaedeutic to *uṣūl al-fiqh*, Ghazzali's logic. He adopted this discipline,

regarding which he was, in the estimation of other Hanbalis, a complete novice,<sup>81</sup> and in spite of its utter incompatibility with his fideistic Tradition-alism to boot. He was, nevertheless, rightly considered as one of Hanbalism's foremost scholars of *fiqh* (positive law).

#### 4. Majd ad-Din b. Taimiya (d. 652/1254)

Majd ad-Din is the father of the famous Taqi ad-Din Ibn Taimiya, and one of the three authors of the *Musawwada* on *uṣūl al-fiqh*. In it he has the highest praise for Ibn 'Aqil's *Wādīḥ*.<sup>82</sup>

To God be attributed the excellence of Ibn 'Aqil's *Wādīḥ* as a book! How instructive its useful observations! How copious its unique gems! How chaste its disputed questions! How superabundant its excellent qualities with respect to quoting a doctrine, accurately fathoming the true intent of a disputed question, and verifying that!

Majd ad-Din's enthusiastic praise is in striking contrast to the thesis of the *Tahrīm* by his contemporary fellow-Hanbali, Ibn Qudama.

#### 5. Taqi ad-Din Ibn Taimiya (d. 728/1328)

Ibn Taimiya points out, in one of his works, that Ash'ari is closer to Ahmad Ibn Hanbal than the following Hanbalis: Ibn 'Aqil, Sadaqa b. al-Husain and Ibn al-Jauzi.<sup>83</sup> He states elsewhere that, although Ibn 'Aqil had Mu'tazili tendencies in his early years, he ended by adhering to pure Sunni orthodoxy.<sup>84</sup> This change in Ibn Taimiya's attitude towards Ibn 'Aqil is indicative of a development, not only in his own estimation of Ibn 'Aqil, but also in the thought of Ibn 'Aqil which, at first, must have shown close adherence to Mu'tazilism, then changed to a more moderate intellectualism. Ibn Taimiya's main attitude towards Ibn 'Aqil is one of admiration, and in this he stands opposed to that of Ibn Qudama, a fellow-Hanbali and fellow-Damascene of the previous century. Although he does not mention Ibn Qudama explicitly, when he compares Ibn 'Aqil and Ghazzali to the former's advantage, he is in effect, like his father just mentioned, defending Ibn 'Aqil against Ibn Qudama's censure. Ibn Taimiya places Ibn 'Aqil above Ghazzali in the following passage from one of his books:<sup>85</sup>

Abu 'l-Wafa' Ibn 'Aqil was of surpassing excellence in his day, and highly respected by all the communities for his brilliance, sagacity and intelligence. He is more learned than Abu Hamid [al-Ghazzali] in positive law, in *kalām*-theology, in *hadīth*, and in the meanings of Qur'anic words and concepts. He is in religion among the most pious of men. As for Abu Hamid [al-Ghazzali], he became involved with certain philosophical doctrines which are heretical in the opinion of Ibn 'Aqil, who refuted the metaphorical interpretations of the philosophers

which [Ghazzali] had taken up. Moreover, Ibn 'Aqil weighs the statements of the Sufis on the scale of the material sources of the revealed law, more so than does Abu Hamid. In sum, he who knows the measure of men clearly sees that those who profess the doctrine which prohibits travel to other than the three mosques, namely the tombs and other places of worship, are held in higher regard in the eyes of the Community of Believers (*Umma*) than those who profess its lawfulness.<sup>86</sup>

In praising Ibn 'Aqil and placing him above Ghazzali, Ibn Taimiya was pointing him out as a better model to follow for orthodoxy than Ghazzali. He was, in effect, abrogating the opinion of Ibn Qudama and his refutation of Ibn 'Aqil as contained in the *Tahrīm*, and as evidenced in Ibn Qudama's adoption, as a propaedeutic to *uṣūl al-fiqh*, the science of logic, a discipline which Ibn Taimiya rejects in his works. Ibn Taimiya's praise for Ibn 'Aqil is stated in the book in which he condemns logic; which means that he would condemn not only Ghazzali's use of logic in a book on *uṣūl al-fiqh*, but also Ibn Qudama's copying of Ghazzali's logic in his work in that field. His praise for Ibn 'Aqil betokens his support for the latter's use of dialectic (*jadal*) as a propaedeutic to *uṣūl al-fiqh*.

#### 6. Dhahabi (d. 748/1347)

Dhahabi, like Ibn Rajab and others, has the highest praise for Ibn 'Aqil and, like them, cannot but show his displeasure regarding Ibn 'Aqil's early Mu'tazili tendencies, especially his adoption of metaphorical interpretation regarding certain ambiguous verses of sacred scripture, and of statements in Traditions attributed to the Prophet. In reading the notices devoted to Ibn 'Aqil in various biographical works of Dhahabi, as in Ibn Rajab's *Dhā'il*, the praise bestowed upon Ibn 'Aqil far outweighs the censure which both felt was demanded by the principle of 'ordering the good and prohibiting evil'.

In his *Duwal al-Islam*, Dhahabi introduces Ibn 'Aqil as 'the religious intellectual of 'Iraq' and 'author of many books and of the *Funūn*'.<sup>87</sup> In another notice on him in his *Ma'rīsat kibār al-qurra'*, he introduces him as 'head of the Hanbalis, author of the *Funūn*, a book that attained the four hundred and seventieth volume'. He lists the masters under whom he studied, and the religious sciences, including Mu'tazilism, which caused him to deviate from Sunni orthodoxy. Having said this, Dhahabi goes on to state that 'he was a leader of surpassing excellence, of vast and profound learning in the religious sciences, aflame with intelligence, the greatest disputant of his era'.<sup>88</sup> In *Mizān al-i'tidāl*, after such encomiums, Dhahabi goes on to say, 'however, he was in disagreement with the Fathers (*Salaf*), and in agreement with the Mu'tazilis in a number of heretical innovations – we ask God for forgiveness and security. For too much delving into *kalām*-theology is often injurious to its adherent, and a man's forsaking that

which does not concern him is a sign of a man's good adherence to Islam.<sup>88</sup> Dhahabi has a more extensive notice in his *Siyar a'lām an-nubalā'*, where, after citing Ibn 'Aqil's complaint that fellow-Hanbalis 'wanted me to abandon the company of a group of religious scholars, and that used to prevent me from acquiring useful knowledge', he comments: 'they were preventing him from attending the teaching sessions of the Mu'tazilis, and his refusal landed him in their snares, which emboldened him to interpret the sacred texts metaphorically. We ask God to grant us security (from heretical innovations).'<sup>89</sup>

### 7. Ibn Shakir al-Kutubi (d. 764/1363)

Ibn Shakir, a Shafi'i, states in his general history, where he devotes to him a biographical notice, that Ibn 'Aqil wanted to learn everything, to frequent religious scholars of all schools of thought, without concern for the censure of his fellow-Hanbalis, and that that was the reason he excelled them in the religious sciences.<sup>90</sup>

### 8. Ibn Kathir (d. 774/1373)

Ibn Kathir, also a Shafi'i, states that the only reason Ibn 'Aqil studied *kalām* under the Mu'tazili Ibn al-Walid was to learn everything about his doctrines. But he imbibed a dose of Ibn al-Walid's heresy which almost cost him his life; and he never quite rid himself of Mu'tazili tendencies.<sup>91</sup>

### 9. Ibn Rajab (d. 795/1393)

Ibn Rajab was also of the opinion that Ibn 'Aqil never quite rid himself of Mu'tazilism. But it seems that, in the mind of Ibn Rajab, a more serious censure against Ibn 'Aqil is his statement that the jurisconsult is under obligation to follow the proofs, not to follow Ahmad b. Hanbal. Believing that Ibn 'Aqil was betrayed by his inadequate knowledge of the Prophetic Traditions, he feels that if he had concentrated on learning them, instead of frequenting the Mu'tazili masters, he would have had all the requisites for the practice of *ijtihād*. Ibn Rajab's censure of Ibn 'Aqil stands in stark contrast to the highly laudatory biographical notice he devotes to him. But his opposition to Ibn 'Aqil is based on a profound difference of opinion with respect to the Fathers (the *Salaf*). Ibn Rajab has a work entitled *Fadl 'ilm as-Salaf 'ala l-Khalaf* ('Superiority of the Learning of the Fathers over that of the Successors' (i.e. those who came after them)). In this treatise, Ibn Rajab censures *kalām*, even if its adepts make use of it in defence of Sunni orthodoxy.<sup>92</sup> Such a thesis stands in direct opposition to the doctrine which Ibn 'Aqil expresses on more than one occasion, in support of which he insists that Ibn Hanbal himself opposed Caliph Abu Bakr by adhering to

the proofs arrived at through his personal, independent research (*ijtihād*), rather than allowing his respect for the seniority of the *Salaf* to stand in the way.<sup>93</sup>

The above Shafi'i Traditionalists, Dhahabi and Ibn Kathir, and the Hanbali Ibn Rajab, were disciples of Ibn Taimiya, and held him in the highest regard. They all shared with him his belief that Ibn 'Aqil was influenced by Mu'tazilism, especially as regards the metaphorical interpretation of the divine attributes. But Ibn Taimiya, who excels them all in Islamic religious history and in his knowledge of Ibn 'Aqil's doctrines, revised his opinion of Ibn 'Aqil, believing him to have ended by adhering to pure Sunni orthodoxy.

### Notes to Part One

1. *Muntazam*, VIII, 275–6; *Mir'āt*, fols. 139a–139b; *Dhail*, I, 175–6; *Tahrīm*, #7, #8, and #9.
2. Abu 'l-Qasim 'Abd Allah Ibn Ridwan died in 474/1081; see *Muntazam*, VIII, 393. Cited frequently in *Diary*; see index.
3. See *Diary*, index.
4. Abu Muhammad, elder son of Abu Mansur b. Yusuf; for both father and son, see *Diary*, index.
5. Abu 'Abd Allah b. Jarada; see *Diary*, index.
6. Abu 'l-Hasan, younger son of Abu Mansur b. Yusuf.
7. *Tahrīm*, #9.
8. *Affaire*, 124.
9. On the transformation of the law *madhab* into a legal guild, see below, Part Two, Chapter I.
10. *Tahrīm*, #9.
11. *Dhail*, I, 190.
12. *Passion*, II, 497, citing Dhahabi, *Tārikh*, sub anno 591; *A'lām*, IX, 60, *apud I'lām* of Ibn Qadi Shuhba citing Hibat's *Refutation of the Nusra*.
13. *Dhail*(F), I, 106; see also *Passion*, II, 184.
14. *Ibn 'Aqil*, 300.
15. *Ibid.*, 301.
16. See *Muntazam*, VII, 161; *Kāmil*, sub anno 422, biographical notice; where *Kitab 'ala madhab as-sunna*. On Ibn Hajib an-Nu'man, see TB, XII, 31; *Muntazam*, VIII, 51–2.
17. *Ibn 'Aqil*, 301–3.
18. TB, IV, 37, where the title of al-Qadir's book is given as *Kitab fi 'l-Uṣūl*; *Kāmil*, sub anno, 422, same title; but *Muntazam*, VII, 161, has 'Kitab fīhi 'l-Uṣūl', a book containing the basic articles of Traditionalist faith, i.e. among other things.
19. Al-Qa'im's publication of the Qadiri Creed is stated to have been in the year 432, when the religious intellectuals, headed by the ascetic, Abu 'l-Hasan al-Qazwini, appended their signatures to the Creed; see THY, II, 210 (lines 14–16). For the Arabic text of this Creed, see *Muntazam*, VIII, 109–111; German translation by A. Mez, in *Renaissance*, 198–201; English translation by S. Khuda Bukhsh, in *Renaissance*, 206–9; French translation by G. Makdisi, in *Ibn 'Aqil*, 303–8, and analysis, 308–10.
20. On the *Mihna*, see the article in *EI<sup>2</sup>*, s.v. (by M. Hinds), and the bibliography cited; for a recent study on Ma'mun's *Mihna*, see *Ma'mūn*.

21. See note 19 above.
22. See *Revival*.
23. *Dhail*, I, 173.
24. ZDMG, LXII (1908), 1–28.
25. See *Ash'arī*, and *Revival*, among others.
26. *Dhail*, I, 176.
27. *Funūn*, 750.
28. See note 18 above.
29. See *Shāfi'i*.
30. *Muntazam*, 212 (lines 10–11).
31. Ibid., VIII, 245 (line 8).
32. *Funūn*, 37 (lines 14–15).
33. Buwaihid, *regnum*: 379–403/989–1012.
34. *Caliphate*: 363–81/974–91.
35. *Dhail*, I, 173; *Dhail(F)*, I, 143.
36. *Ibn 'Aqil*, 387 n.8.
37. For the English translation of this work, see Margoliouth, *Delusion*.
38. Abu 'l-Tāiyib al-Washīha, 'Kitab' al-Muwashsha ('The Book of the Richly-Variiegated Cloth'), ed. R. Brünnow (Leiden: E.J. Brill, 1886).
39. *Funūn*, 199; *Ibn 'Aqil*, 410 n.2; the manuscript copyist has 'Abu 'Amr', instead of 'Abu 'Umar'.
40. Read [4]47, with *Dhail*, I, 172 (lines 17–18), date of the invasive entry of the Saljuqs in Baghdad), instead of [4]44, erroneously, in the edition of Ibn al-Jauzi's *Muntazam*, IX, 212 (line 23); but read 'al-Ghuzz 'ila' instead of 'al-Ghazzali', in *Dhail*, loc. cit.
41. *Jawāhir*, I, 218, no.543, II, 405, no.1136.
42. The frequent mention of orphans and orphanhood in *Ibn 'Aqil*'s *Funūn* may point to his own orphanhood. See *Funūn*, 56–7; *Funūn, apud Ādāb*, II, 292–4, III, 336.
43. Hamadhani was suspected of Mu'tazilism (see *Dhail(Z)*, fol.2b; *Jawāhir*, I, 330; *Fawā'id*, 112–13); but *Ibn 'Aqil* confirms his Traditionalism; see *Funūn, apud Dhail(Z)*, loc. cit.
44. *Muntazam*, IX, 213 (lines 9–13); *Dhail*, I, 173 (lines 10–14); cf. *Affaire*, 121.
45. *Muntazam*, IX, 213 (lines 17–21); *Dhail*, I, 173 (line 20)–174 (lines 1–4); cf. *Affaire*, 122.
46. Nizam al-Mulk.
47. *Dhail*, I, 173–4.
48. Some fellow-Hanbalis.
49. *Funūn*, 673.
50. Secretary of Finance of the Saljuq, Alp Arslan.
51. Ibn al-Jauzi is citing this event for the year 459; *Ibn 'Aqil*'s account relates to the year 453.
52. It is here that the Shrine College of Abu Hanifa was inaugurated in 459, the construction initiated two years earlier, exactly the same dates, 457 and 459, for the foundation of Nizam al-Mulk's Madrasa Nizamiya. The two philanthropists were vying with each other, the former for the support of the Hanafis, the latter for that of the Shafi'is.
53. The passage is preserved by Ibn al-Jauzi, who copied it from the *Khatt* ('the handwriting') of *Ibn 'Aqil*, i.e. *Kitab al-Funūn*; see *Muntazam*, VIII, 245–6; *Ibn 'Aqil*, 474–5.
54. *Muntazam*, IX, 212–13; *Dhail*, I, 172–3.
55. For other details and bibliography, see *MIL*, 5, n.3; and *RLL*, no.8, p. 5, n.3.
56. *Mir'at*, fol.139a.

57. Ibid.
58. On Ibn Washshāh, see *TB*, III, 336, *Muntazam*, VIII, 271; humanist poet, said to have been accused of Mu'tazilism.
59. See *Mu'tamad*(AY).
60. This *halqa* was not in the Mosque of al-Mansur but in his own mosque, located in the Basra Gate Quarter, on Khiraqi Lane. For a chronology of the teaching-posts held by Sharif Abu Ja'far, see *THY*, II, 238; *Dhail*, I, 21 (lines 1–6); *Dhail(F)*, I, 16 (lines 6–9).
61. *Muntazam*, VIII, 254.
62. *Dhail*, I, 21.
63. *Optruscles*, 93 (lines 9–10).
64. *Diary, apud Muntazam*, VIII, 316–17.
65. See especially *Dhail*, I, 187.
66. See the notice in *Dhail(F)*, I, 214–15.
67. For notices, see *Ibn 'Aqil*, 443 and n.4.
68. See *GAL*, I, 329–30, *Suppl* I, 564–5.
69. See *Shadharāt*, IV, 251.
70. See *ibid.*, IV, 315.
71. For more detail on Ibn ad-Dajaji, see *Ibn 'Aqil*, 443–5.
72. See his *silsila* in *Isnād* 88–96; and in *RLL*, no.VI.
73. For more detail on these students, see *Ibn 'Aqil*, pp. 446ff., where ten of the following thirteen are treated.
74. To the notices on him in *Ibn 'Aqil*, the following one should be added: *Dhail(Z)*, fol.21b–22a.
75. *Dhail(P)*, fol.9b–10a; *Muntazam*, X, 160.
76. Silafi, *apud Siyar*, XIX, 449.
77. Silafi, *apud Siyar*, XIX, 446. On Abu Tahir as-Silafi, see a forthcoming book by S.M. Zaman, editor of Silafi's *Mu'jam as-safar*.
78. *Muntazam*, IX, 212.
79. *Manaqib*, 526–7. On Ibn al-Jauzi, see the works of M.L. Swartz.
80. On *imrār*, see below, Part 2, Section 3, Chapter IV, 3.
81. *Madkhal*, 240.
82. *Masāwada*, 65–6.
83. *MRM*, III, 131.
84. *Naqd*, 134–5.
85. *Ikhna'i*, on the margins of *Bakri*, 290.
86. *Duwal*, II, 29.
87. *Qurra'*, I, 380.
88. *Mizān*, III, 146.
89. *Siyar*, XIX, 447.
90. *Uyūn(C)*, fol.31a–b; *Uyūn(DK)*, 183–4.
91. *Bidāya*, XII, 98.
92. *Salaf*, 24.
93. *Dhail*, I, 174, 190; *Funūn*, 606.

**Part Two**  
**Ibn 'Aqil and Scholasticism**

SECTION ONE  
THE ORGANISATION OF PROFESSIONAL  
HIGHER LEARNING

*Preliminary Remarks*

In Part One, the *madhab* of law was referred to as a legal guild. I have written elsewhere showing that the conditions proposed as required for the existence of a guild existed in classical Islam, in the case of the *madhab* of law.<sup>1</sup> In contradistinction to the *madhab*s of grammar and of *kalām*, the *madhab* of law, by the fifth/eleventh century, fulfilled the conditions required for the existence of a guild, as these have been determined by modern scholarship. It was organised (1) into an association all of whose members were engaged in legal studies; (2) within a definite area: an Islamic city, for example, Baghdad; (3) constituting a unit: i.e. a *madhab*; (4) fulfilling the need for (a) restricted practices: for example, legal studies restricted to members of the *madhab*, fellowships to graduates chosen by the master-jurisconsult, a licence to teach granted to qualified candidates who have fulfilled the requirements to the satisfaction of the master-jurisconsult; and (b) social functions: for example, issuing *fatwās* to the faithful soliciting them, providing education in the law and ancillary subjects; (5) with officers and functionaries chosen from among the members of the *madhab*: for example, professors, deputy-professors, repetitors, monitors; and (6) headed by a headman: *rā'is al-madhab*, the head of the *madhab*.<sup>2</sup>

Moreover, the *madhab*, as legal guild, had the same tripartite structure in classical Islam, in the guild colleges of law, as in the later guilds of higher learning in the Christian West, the universities and the college-universities, as well as in the craft and trade guilds, as is illustrated in the diagram overleaf.

The new institutional structure, serving exclusively the needs of Traditionalism, consisted of four elements: (1) a legal guild; (2) its guild colleges (later, in the Christian West, the guild-university); (3) its programme of legal studies, based on the scholastic method of disputation; and (4) its professional licence to teach (later, the Latin *licentia docendi*, 'the doctorate'). These new Islamic institutions were developed from old ones, upgraded to serve the needs of the new structure. The legal guild was created from the *madhab* of law; the guild colleges, the *madrasas*, from the *masjid-khan* complex, developed from the *masjid*; the programme of legal studies, with its graduate training in the method of disputation, from the already

Guilds of Higher Learning <sup>4</sup>		
Classical Islam	Christian Latin West	
madrasa-college	medieval university	
Baghdad	France	England
1. <i>mutasaqqih</i>	<i>escolâtre</i>	<i>scholar</i>
2. <i>sâhib</i>	<i>bachelier</i>	<i>fellow</i>
3. <i>saqîh</i>	<i>magister/maitre</i>	<i>magister/master</i>
Crafts and Trades		
1. <i>mubtadi'/khâdim</i>	<i>apprenti/valet</i>	<i>apprentice</i>
2. <i>sâni'/fâ'il</i>	<i>compagnon</i>	<i>journeyman</i>
3. <i>'arif/amin</i>	<i>maitre</i>	<i>master</i>

existing practice of disputation (*munâzara*), raised to the level of an art by the introduction of the science of *jadal* (dialectic; called, by Ibn 'Aqil, the 'method of disputation', and later in the Christian West, the 'scholastic method'); and the professional licence to teach, which was developed from the original *hadîth* licence (the *ijâza*), a licence to transmit Prophetic Traditions (which remained the licence for *hadîth*), to a licence to teach law and issue legal opinions (*ijâza at-tadrîs wa 'l-iftâ*) a licence exclusively for the teaching of law.<sup>4</sup>

The legal guild's scholastic method of legal studies is that which distinguishes 'scholasticism' from humanism. It was humanism in the Latin West that coined 'scholasticism' as a term of derision, for a movement that had already seen its finest days. By coining the term, humanism was dissociating itself, as an intellectual movement, from one it considered to be schoolish, pedantic, and hairsplitting, when in fact the method of the scholastic movement's heyday was a truly scientific approach, as the philosopher Alfred North Whitehead has pointed out.

The rise of scholasticism in the Christian Latin West has its origins in classical Islam. Its first appearance in the Christian West is in Italy, in a *madrasa*-type school of law, founded as a charitable trust (*waqf*) by Matilda, Countess of Tuscany, for the jurist Irnerius, much like the foundation of the Madrasa Nizamiya of Baghdad by Nizam al-Mulk for the jurist Abu Ishaq ash-Shirazi.<sup>5</sup> The scholastic movement, originating in classical Islam as a *juridical* scholastic movement, hostile to *kalâm*-theology, appeared as also a *juridical* scholastic movement in the University of Bologna, where

theology was not taught until the fourteenth century, two centuries after the University's foundation. The School of Law of Irnerius was an unincorporated charitable trust foundation; that of Bologna developed into an incorporated guild. The only guild institutions in Europe that have remained to this day unincorporated, as did the guild colleges of Islam, are the London Inns of Court.

The definition of the term 'scholasticism', given in Webster's New Third International Dictionary, reflects modern scholarship's lack of knowledge of the movement's origins. The motivation for the rise of the guild of higher learning and its institutions, especially the licence to teach, and the antecedents, can be found only in Baghdad's Traditionalist movement. Webster's definition of scholasticism is as follows: 'a philosophical movement dominant in Western Christian civilization from the Carolingian period in the 9th century until the rise of Cartesianism in the 17th century.' Not until the twelfth century did the movement appear in the West; it was not fully developed until that century's end, reaching its height in the thirteenth. It had nothing to do with philosophy or philosophical theology in Bologna, where it first arrived, and was not philosophical until it arrived in Paris.

In Islam's newly-organised structure of institutionalised higher learning, the *kalâm*-theologians (*mutakallimûn*), as Rationalist religious intellectuals, were institutionally excluded, left out in the cold. *Kalâm*, the public discussion of which was prohibited by the Qadiri Creed, was banned from the curriculum of the guild colleges. Guilds were based on the financial security of the charitable trust (*waqf*), the law of which was in the hands of the Traditionalist jurisconsults, and the constitution of which required no sanction from the governing power. To come in from the cold, the *kalâm*-theologians had to join the Traditionalist organisation of higher learning, subject to the legal guild's rules and regulations. *Kalâm*-theology was placed outside the pale of orthodoxy. *Kalâm* and its partisans had already had a long history of censure, dating from the second century (eighth century AD), beginning with Shâfi'i, Traditionalism's first champion. In the century of Ibn 'Aqil, its censure was further enforced by the Qadiri Creed.

Unable, as *kalâm*-theologians, to match the Traditionalist guild structure, the Rationalists had no recourse than to join the Traditionalists as jurisconsults. There was a struggle going on within the Hanafi and Shâfi'i legal guilds, ending in the reluctant accommodation of the Mu'tazilis, in the Hanafi guild, and of the Ash'aris in the Shâfi'i. The Hanbali guild excluded all Rationalists from membership. Once securely established in the legal guild structure, Mu'tazilis and Ash'aris continued their efforts to teach *kalâm*, using as trojan horses three disciplines taught in the legal guild colleges: the science of Prophetic Traditions (*hadîth*); the art of the sermon (*wa'z*); and the methodology of the law (*usûl al-fiqh*).

## I. THE GUILD OF LAW

### 1. Transformation of Law *Madhab* into Legal Guild

The period between al-Ma'mun's *Mihna*, in the ninth century, and al-Qadir's edicts, in the eleventh, witnessed the rise of a professional organisation of higher learning. Created from pre-existing Traditionalist institutions, it was inspired by the desire to keep alive the legacy of the Prophet of Islam. It was dictated by the need to counteract the hostile forces responsible for the *Mihna*, namely, the Rationalist *kalām*-theologians and the governing power. The contention between the opposing forces was for the jurisdictional authority to determine orthodoxy. The Traditionalists were in search of autonomy vis-à-vis the governing power, and an authority which would exclude the Rationalists as such from participating in the process of determining orthodoxy. To this end, they converted the *madhab* of law into a legal guild.

#### *Three Stages in the Development of the Law Madhab*

The guild of law which arose, as stated, from the *madhab* of law, went through three stages of development. The first two have been pointed out by Joseph Schacht: the *madhab*-'geographical' school of law, and the *madhab*-'personal' school of law.<sup>6</sup> The *madhab*s of grammar and of *kalām* remained in the 'geographical' phase; grammarians and *kalām*-theologians were identified as belonging to the *madhab* of Basra, of Kufa, of Baghdad, and so on. This non-guild type of *madhab* had no licence to grant for teaching. In contrast to the geographically-identified *madhab*s, those of law began to be identified by the name of a leading jurisconsult; for example, Ibn Hanbal, Malik (d. 179/795), Shafi'i, Abu Hanifa, and other leading masters; this is why Schacht designated them 'personal' schools of law. The third stage of development, that of the *madhab*-guild of law, may be seen in the creation of a new type of *tabaqat*-biography, a 'Who's Who' of jurisconsults, the rise of which, in my opinion, signals the rise of the *madhab* of law as a legal guild.

The proliferation of the *madhab*-'personal' schools of law tended toward divisiveness. The creation of a single grouping, rallying all jurisconsults within one organisation, would make for unity, allowing the Traditionalists to close ranks against their adversaries. A single legal guild would be more effective in rooting the Rationalists out of the Traditionalist ranks. The inquisitor-judges of the *Mihna* had been Hanafis in law, and members of the Rationalist Mu'tazili movement. Although al-Mutawakkil (*caliphate*: 232–247/847–861), the fourth caliph of the *Mihna*, had reversed his religious policy in favour of the Traditionalists, the latter could have no assurance

that this about-face would not some day be reversed. A legal guild, inclusive of all Traditionalists, *exclusive* of Rationalists, and *autonomous* vis-à-vis the governing power, was a way to assure the achievement of a Traditionalist *monopoly* on the process of determining orthodoxy. These goals were achieved but, in the process, other legal guilds had to be accepted, tolerating the membership of a minority of Rationalists. In Baghdad, four guilds emerged, with only the original guild remaining adamant regarding the exclusion of Rationalists. This is the picture that comes to light, I believe, in a new genre of biography, the 'Who's Who' of the jurisconsults, *tabaqat al-fiqahā'*.

#### *Motivation for Tabaqat-Biography*

*Tabaqat*-works had the function of identifying scholars as authoritative in their particular disciplines; this included not only scholars of *hadīth* and law, but also scholars of fields related to the Qur'an and Sunna, the material sources of the law, as for instance, humanists: poets, grammarians, and lexicographers, i.e. experts in classical Arabic, the vehicle of the Sacred Scriptures. The most important part of the information given in *tabaqat*-literature was the *isnād*, the chain of authorities showing the pedigree of the biographee all the way back to the founder of Islam, the Prophet, through his Companions or Fellows. The humanist discipline of grammar, for instance, had an *isnād* going back to 'Ali, fourth of the Rightly-Guided Caliphs, and son-in-law of the Prophet. After the *Mihna* (Inquisition), the Traditionalists created the *tabaqat al-fiqahā'*, in order to identify those religious scholars who alone had the legitimate authority to determine orthodoxy, namely, the jurisconsults.

#### *Change in the Arrangement of the Tabaqat*

The first extant *tabaqat*-works of jurisconsults follows an arrangement by classes in chronological order, the better to show the links in the chain of transmission of legal knowledge, i.e. the pedigree of the biographees in their relation to the pious Fathers and the Prophet. When Traditionalism was no longer engaged in a struggle with Rationalism for supremacy, the arrangement of the biographical notices was relaxed into a more convenient alphabetical sequence of names. This occurred after Traditionalism had become solidly established as guardian of orthodoxy, to the exclusion of all forms of Rationalism. The change illustrated a shift from a struggling Traditionalism to a Traditionalism triumphant. The biographical notice became more elaborate as time passed, but kept its essential function: it continued to give the scholar's pedigree, and elaborated on his curriculum vitae.

### *Tabaqāt and the Law Madhhab as Legal Guild*

The first *tabaqāt*-works on jurisconsults are clues to the rise of the professional legal guilds. A study of their development sheds light on a period of struggle in the rise of these guilds. The first known *tabaqāt*-work of jurisconsults is that of the Hanbali Abu Bakr al-Khallal (d. 311/923), entitled *Tabaqāt ashab Ibn Hanbal* ('Classes of the Fellows of Ibn Hanbal'). No such work, previous to al-Khallal's, is known to have a title designating the *ashab*, ('companions', 'fellows', 'associates') of a *named jurisconsult*. Ibn Hanbal and his Fellows thus represent the first known *madhhab*-guild of law, a guild characterised by a bond of fellowship among its members, and between them and the charismatic leader, chosen as their 'patron saint', whose name identified, as well as 'sanctified' their guild. This bond of fellowship recalls that between the Prophet and his Fellows or Companions, which no doubt inspired it.

At this early stage – the turn of the century from the third/ninth to the fourth/tenth – a legal guild established under the name of the Traditionalist hero of the Inquisition strongly suggests the intention of the guild's leaders to rally Traditionalists of all the 'personal school' *madhhabs* of law under the banner of a charismatic champion of Traditionalism. Note that the title of Khallal's *Tabaqāt* specified 'Classes of the Fellows of Ibn Hanbal', not 'Classes of Hanbalis'. In significant contrast, the *tabaqāt*-works of the Hanafi and Shafi'i legal guilds, developed later, were always designated by the adjectives 'Hanafi' and 'Shafi'i' respectively, never as 'the followers of Abu Hanifa' or 'the followers of Shafi'i'; the designation runs through the whole known historiography of Shafi'i and Hanafi *tabaqāt*. Such a designation was apparently more acceptable to the Rationalist members of the two guilds. The next known *tabaqāt* of jurisconsults, after Khallal's, is that by Ibn Abi Dalim of al-Andalus (d. 351/962), entitled *Kitāb at-Tabaqāt fi man yarūt 'an Malik wa-ibā'ihī min ahl al-amsār*, 'The Book of Classes Regarding Those Who Transmitted *hadīth* on the Authority of Malik and of Their Successors Among the Transmitters of the Cities of Islam'. These are the only two works that mention the name of a member of the venerated Forefathers, the Salaf. There are no known *tabaqāt* works for the other two guilds that make use of the name of Abu Hanifa or of Shafi'i. The Hanbali and Maliki guilds had in common their basically strong Traditionalism.

### *One Legal Guild Inclusive of All Traditionalists*

Two events, dating from Khallal's period, point to the original intention of establishing a single legal guild. The first was when Ash'ari defected from Rationalism, and declared himself a follower of Ahmad Ibn Hanbal. Note that he did not declare himself 'a Hanbali' but a follower of Ibn Hanbal. Abu 'l-Hasan al-Ash'ari (d. 324/935) wanted to declare, in the strongest

terms possible, his break away from Rationalism. Why did he choose, for that purpose, the name of Ahmad Ibn Hanbal, rather than one of the other three names which served to identify the later guilds of law: Malik, Shafi'i, or Abu Hanifa? In breaking away from the Rationalists, he chose to place himself under the banner of a leader who, though long absent from the scene, had a name that retained its powerful resonance as a rallying-point for Traditionalists. He was, in effect, identifying his Traditionalism by the name of the movement's hero, as did Khallal, his contemporary, in the title of his *tabaqāt*. At this point in time, there was only one Traditionalist legal guild, made up of the 'Fellows of Ahmad Ibn Hanbal'. The other three major legal guilds were yet to come into existence. If al-Ash'ari attached himself to Ahmad Ibn Hanbal, rather than to any other *imām* among the *Salaf* ('Fathers'), it was because Ahmad Ibn Hanbal was the only 'patron saint' of the Traditionalists, there was no other in existence at that time. Abu Hanifa, Malik, and Shafi'i were only later to become 'patron saints' of legal guilds.

The second event, pointing to a single legal guild, is Ibn Jarir at-Tabari's (d. 310/923) omission of Ibn Hanbal from his book on the differences in legal opinions among the jurisconsults. On being asked for the reason for the omission, he is reported to have answered that Ibn Hanbal was a *muhaddith* (a scholar of *hadīth*), not a *faqīh* (scholar of law, jurisconsult). But, on that basis, Malik should also have been excluded; Malik, like Ibn Hanbal, derived his law from the Prophetic Traditions. However, Tabari did not exclude Malik. Tabari was a leading jurisconsult, one of a different kind from either Ibn Hanbal or Malik. Tabari's reason for the omission must therefore be sought elsewhere. By singling out Ahmad, and laying stress on Ahmad's expertise in the discipline of *hadīth*, he was emphasising his own expertise in law. Rather than join the nascent legal guild under the banner of Ahmad Ibn Hanbal, he was, in my view, promoting himself as head of the legal guild, as a scholar of law, in contrast to what he considered to be Ahmad's *hadīth* scholarship, ill-suited for a legal guild. By disqualifying Ahmad as a *bona fide* jurisconsult, Tabari wanted the legal guild under his own name; although he did manage to create a following, called *al-Jarīya*, after himself, it was short-lived. At this time also, first third of the fourth/tenth century, the Traditionalist atmosphere was affecting the caliphate: al-Muttaqi (*caliphate* 329–33/940–4) declares that the only boon companion he wants is the Qur'an. In this period of effervescence in the religious movements, humanism was shedding its Rationalist tendencies in an atmosphere pervaded by triumphant Traditionalism, a movement affecting the caliphate as well as the religious intellectuals.

Tabari's case is interesting when viewed in contrast to that of Ash'ari. With Tabari and Ash'ari, their thinking was still focused on a single legal guild, not the multiplicity that was yet to come. As a contemporary of Khallal and Tabari, Ash'ari, like Khallal and unlike Tabari, chose to place

himself under the banner of Ibn Hanbal. Declaring himself a follower of the charismatic Traditionalist hero, he wanted to proclaim, in the most dramatic way, his desire to defect from Rationalism and to embrace Traditionalism.

### *Tabaqat-Biography and the Rise of Multiple Guilds*

Besides the hostility between Rationalism and Traditionalism, a struggle was taking place within the ranks of the jurisconsults, in the period of the three contemporaries, Khallal, Tabari, and Ash'ari. Its outcome becomes apparent in the eleventh century. It was one that tolerated the existence of other legal guilds, whose membership included a minority of jurisconsults of a Rationalist bent. Tabari's *Jarīya* were not among them. Traditionalism had to be recognised, along with *hadīth* and its juridical derivatives. Scholars with less enthusiasm for Traditionalism had at least to pay lip-service to it. On the other hand, Traditionalist extremists, eschewing the Rationalist element in the law, were destined for extinction, as were the Zahiris, who failed to last beyond the eleventh century in Baghdad.

The Hanbali legal guild retained its exclusively Traditionalist membership, steadfast in its original desire to keep the Rationalists at arm's length. This is why, when Sharif Abu Ja'far convinced some fellow-Hanbalis of Ibn 'Aqil's Rationalism, the result drove the young man into hiding, and eventually forced him to make a public retraction as the price for his freedom. However, the strong element of catholicity in Islam dictated tolerance; so that, besides the guild of Ibn Hanbal, and that of Malik about a half-century later, there emerged two other guilds, the Shafi'i and the Hanafi. Their existence first comes to light through their colleges and their doctorates, not through the 'Who's Who's of their legal guilds, which appeared later. The *tabaqat*-works of the Hanafi *madhhab* show the longest lapse of time, since the first *tabaqat*-work of Khallal for the Hanbali guild, which appears to indicate a long struggle within the Hanafi guild between its Rationalists and Traditionalists. For the *tabaqat* genre of historiography is essentially a Traditionalist genre.

### *Pervasiveness of Traditionalism*

To understand Ibn 'Aqil and his times, one must go back to the first decades of the eleventh century, when the struggle between the two forces of Rationalism and Traditionalism is brought into focus by the edicts of Caliph al-Qadir and the Qadiri Creed. The struggle was a long one, beginning in the years around the turn of the eighth–ninth century. In its initial stage, it became centred on the foremost Traditionalist figure, Shafi'i. Traditionalism, the fundamental religious orientation of Islam, was shaped by the historical events which occurred between the century of Shafi'i, the eighth, and that of Ibn 'Aqil, the eleventh.

In the early decades of the struggle, Traditionalism lacked the political support lavished on the Rationalists. But even in the heyday of Rationalism, the pervasive current of thought was Traditionalist, as is clearly seen in (1) the development of historiography, and (2) the censure of *kalām*-theology. The genres of historiography are peculiarly Traditionalist in their genesis and content; for instance, the diary (*ta'rīkh*), dated by the month; the annalistic-biographical work (*ta'rīkh 'ala 's-sinīn*), so called because dated by the year, a development from the diary; the biography (*tabaqat*), another such development. The diary came into being because of the exigencies of *hadīth* criticism, calling for all possible information on the transmitter of a Prophetic Tradition (*hadīth*), information required to minimise the possibility of fraud or error in the transmission. The biographer gathered all the information he could on which the criticism could be based: whether a transmitter could have been the contemporary of another in the chain of transmission (*isnād*); whether he could have received his information from that contemporary; whether he was trustworthy; and so on. The desire to collect all details placing the transmitter in his environment, recording his relations with others – teachers, students, colleagues – as well as his writings, called for the keeping of a dated record (*ta'rīkh*, 'dating', 'date'), a diary.<sup>8</sup> Thus, the diary and its offshoots, the biographical and annalistic-biographical genres, owe their genesis to the Traditionalist movement<sup>9</sup> and the need to determine the authoritative character of a scholarly pedigree.

The pervasiveness of Traditionalism is further seen in the prolific movement censuring *kalām*, a censure which began with the pious Forefathers (the *Salaf*), with Shafi'i at the head of the movement, and which continued down to modern times.<sup>10</sup> After the *Mihna* (Inquisition), the ascendancy of Traditionalism has its clearly discernible landmarks throughout the ninth, tenth, and eleventh centuries, culminating in the edicts of al-Qadir and the Traditionalist Qadiri Creed, in Baghdad, the cultural centre of the world of classical Islam.<sup>10</sup>

### 2. Scholasticism and Orthodoxy

Until such a professional institutional structure of higher learning had come into existence, any Muslim religious intellectual claiming to know the material sources of the Islamic religion could issue a *fatwā* to a layman soliciting it. With the professional institutions, this practice was no longer possible. The *mufit* now had to be a jurisconsult who had graduated from a legal guild college, after having successfully defended a series of theses in professional disputations, and who had been granted the licence to teach law and issue legal opinions. The old type of *mufit* was superseded by the new: a doctor of the law, highly trained in disputation. Without such training, a *mufit* could not hope successfully to defend his legal opinions,

against all objections, in the arena of disputation, where he would meet superior opponents. Thus, for the first time in history, the teacher (cf. Latin: *doctor*) had to have a licence, a *doctorate*, authorising him to teach – not only the students of a guild college, but the layman soliciting his opinion on matters of daily life – based on a law which covered all aspects of life, civil and religious.

The *Mihna* (Inquisition) had revealed the enemies of Traditionalism, i.e. Rationalism, and the governing power supporting it. The new legal guild system, organised to prevent the recurrence of the *Mihna* experience, provided autonomy vis-à-vis the governing power, and exclusivity and monopoly vis-à-vis the Rationalists. At the centre of the conflict between the two camps was the need to determine religious orthodoxy. Orthodoxy was determined by the consensus of the Community of believers, as represented by their religious intellectuals. Traditionalism, on the one hand, had to improve the qualifications of the Traditionalist participants in the process of consensus, and on the other, exclude Rationalists from participating in that process. Only members of the scholastic legal guild, holders of the licence to teach, were scientifically trained to participate in the process of consensus which determined orthodoxy.

## II. THE WĀDIH AND THE GUILD COLLEGE CURRICULUM

The core of the curriculum for legal studies was a legal science, the elements of which Shafi'i had brought together in his *Risala*. By the eleventh century, this legal science had become known as *uṣūl al-fiqh* (the roots of law). Shafi'i had intended it as a theology for Traditionalism, to serve as an antidote to *kalām*, the theology of Rationalism.<sup>11</sup> In the new organisation of higher learning, *uṣūl al-fiqh* constituted the basis of the new programme of graduate legal studies, with *fiqh* (positive law), as the basis of undergraduate legal studies.

### 1. Original Scholarship and Learning

Original scholarship in Islam existed before professional higher learning. The legal opinion (*fatwā*) had to be based on the individual scholarship (*ijtihād*) of the jurisconsult, who was bound to practise his own research in the Sacred Scriptures, avoiding the servile imitation (*taqlīd*) of other jurisconsults, a practice legitimately that of laymen alone.<sup>12</sup> Such was already the case early in Islam. The great so-called 'Seven Jurisconsults' died around the end of the first century of Islam and the beginning of the second, long before the professionalisation of higher learning.

It is in the legal scholarship of the guilds of law that Ibn 'Aqil makes his

most significant contribution. More than any other known jurisconsult, he sets out the constituent elements of the scientific scholastic method. This he does in his book on legal methodology, the *Wādih*, a brief analysis of which is given in these pages. For Ibn 'Aqil, as for the great jurisconsults, *ijtihād* consists in giving one's full measure of effort in researching the material sources of the law. In his *Wādih*, *ijtihād* is defined, 'in ordinary language', as meaning any act in which there is hardship; and 'technically', as the search for the truth by the method that leads to it, together with enduring the hardship that it entails. *Ijtihād* is of two kinds: one which leads to certain knowledge; the other, only to a predominant opinion (*tarjih*) that no other judgement is more worthy of the case.<sup>13</sup>

*Ijtihād*, a function of jurisconsults, is opposed to *taqlīd*, a function of laymen. *Taqlīd*, as I have pointed out elsewhere,<sup>14</sup> has two different meanings, according to whether it applies to laymen or to jurisconsults. When practised by jurisconsults, it means servile imitation, the blind following of another jurisconsult's opinion, rather than one's own research to discover the truth. *Taqlīd*, in effect, relegates the jurisconsults who practise it to the category of laymen; as such, they can no longer legitimately participate in the process of consensus, since they can no longer be considered authoritative jurisconsults whose opinions need be taken into consideration in the constitution of consensus. Another important meaning of *taqlīd*, applicable to the layman, is derived from the word's meanings, namely, 'to invest' (*qallada*) with authority the legal opinion of a given jurisconsult. By his choice of a jurisconsult's opinion still in the realm of dispute, the layman 'clothes' (*qallada*) that opinion with authority, until such time as the disputed question is resolved by the consensus of the jurisconsults, which is the higher authority. On this basis, orthodoxy in classical Islam consisted of two levels: the initial *fatwā* before it was sanctioned by the unanimous consensus (*ijmā'*) of the authoritative jurisconsults, and the *fatwā* sanctioned by *ijmā'*. The jurisconsult has no right to use *taqlīd*, for it vitiates the process of consensus. On the other hand, *taqlīd* belongs to the layman, who, by practising it, 'invests' with authority the *fatwā*-opinion chosen from among the conflicting *fatwā*-opinions of all the jurisconsults he has solicited on one and the same question. Both layman and jurisconsult, in the exercise of their respective functions, act as free, autonomous individuals. These two freedoms, the freedom of the *mufti* to profess a *fatwā*, and the freedom of the layman to choose one from among others, are essential to the process of determining orthodoxy.

There are, however, matters, as Ibn 'Aqil points out, regarding which a layman may not practise *taqlīd*, matters of faith wherein both laymen and religious intellectuals are considered on an equal footing. These consist in the belief: (1) that God exists; (2) that He is One, there being no other gods; (3) that He has attributes which He Himself has made known; (4) that He sent prophets to mankind; and (5) that their messages are true.<sup>15</sup>

About these matters there can be no disputed questions; they are articles of orthodox faith.

Ibn 'Aqil sees *taqlid* as the road travelled by the 'laymen of religions', meaning religious intellectuals who, failing to practise *ijtihad*, forsake research in the scriptural sources, and follow the opinions of men who came before them, such as the Fathers (the *Salaf*); by practising servile imitation, 'they glorify men and forsake the Scriptures'. That road leads to perdition.<sup>16</sup> 'Nothing causes intellectuals to err,' he says, 'except acts due to hastiness of temper, and being content with the Ancients to the exclusion of the Moderns.'<sup>17</sup>

Scholarship calls for patience, and reliance on reason as much as on authority, not on the one to the exclusion of the other: Ahmad Ibn Hanbal is the best example of avoiding *taqlid*.

In his creed, [Ahmad] did not follow the method of glorifying men of the past, nor of blindly imitating the greats; therefore do not oppose him. But [says Ibn 'Aqil, addressing his Traditionalist contemporaries] you are inviting us to agree with him in blind imitation, and because he came before us and is older. This, however, is an invitation, from you to us, to forsake his doctrine, though you do not realise this.<sup>18</sup>

Ibn 'Aqil exhorts his colleagues to follow the spirit of Ahmad's teaching, not the letter of his opinions, *when the evidence points in another direction*; for Ahmad, himself, disagreed with others who came before him. For instance, after critical scrutiny, he adopted the opinion of Zaid regarding the grandfather's share of a deceased person's estate, in preference even to the opinion of Abu Bakr, the first of the four Rightly Guided Caliphs. Legal scholars must examine the legal evidence of their own times, rather than venerate the opinions of the Ancients; for in doing so they would not, in fact, be doing what the Ancients themselves did. The Ancient Fathers, and the leading intellectuals after them, contradicted one another, and even themselves, when they were faced with new evidence.<sup>19</sup> When Ibn 'Aqil was asked about the Prophetic Tradition that shows a preference for the first three generations of the faithful, his answer was that the Prophet could not have meant all of his own generation without exception; rather, he excluded from among them the hypocrites and the unbelievers, and retained the virtuous.<sup>20</sup> Ibn Hanbal was among the best, and he did not practise the *taqlid* of the pious Fathers.

To be a *mujtahid*, one who practises *ijtihad*, a jurisconsult must be an *uṣūlī*, a scholar of legal methodology (*uṣūl al-fiqh*). That is why this discipline is an obligation incumbent upon the jurisconsults; as far as the jurisconsult is concerned, it is an individual obligation (*sarf 'ain*). Ibn 'Aqil and others made obligatory the prior learning of *uṣūl al-fiqh*, before concentration on the practice of law (*fiqh*).<sup>21</sup>

## 2. Ibn 'Aqil's *Wādih* and the Law Curriculum

### *The Wādih: A Summa on Uṣūl al-Fiqh*

The *Wādih* is Ibn 'Aqil's foremost contribution to the scholastic movement in classical Islam, and the single most fundamental work of that movement. In response to the request of his graduate students, Ibn 'Aqil wrote the *Wādih* for two main reasons: (1) to show them, in the clearest terms, the relation between reason and revelation; and (2), to train them in the method of disputation (*tariqat an-nazar*), i.e. the scholastic method, the ultimate purpose of which is to lead to the consensus of jurisconsults which determines orthodoxy.

### *The Wādih: An Antidote to Kalam-Works*

Ibn 'Aqil presents his *Wādih* as a work on *uṣūl al-fiqh*, which departs from those written by *kalām*-theologians on the same subject, which he judges as obscure, a maze of *kalām* complexities. As Shafi'i before him had intended his *Risala* to be an antidote to Mu'tazili *kalām*,<sup>22</sup> Ibn 'Aqil had the same intention for the *Wādih* against the *kalām* of both Mu'tazilism and Ash'arism, especially for making *uṣūl al-fiqh* a subordinate part of *kalām*. The difference between Shafi'i and Ibn 'Aqil is that the latter makes explicit his intention in his Introduction, whereas the former lets Scripture speak for itself against the content of *kalām*.

### *The Wādih's Four Books and the Law Curriculum*

In the Introduction to the *Wādih*, Ibn 'Aqil informs the reader that he has written two major works on *uṣūl al-fiqh* before the present one: one on *madhab* (the juridical theses having the consensus of the jurisconsults), and one on *khilaf* (the questions still in dispute among them). The *Wādih* is a succinct *summa* of those two extant works, with a further two works on dialectic, making four complete books in one: (1) *Kitāb al-Madhab*; (2) *Kitāb Jadāl al-uṣūl*; (3) *Kitāb Jadāl al-fuqahā'*; and (4) *Kitāb al-Khilāf*.

*Madhab*-legal science concerns the basic principles regarding the material sources of positive law agreed upon in the guilds, which have gained the adherence of the authoritative jurisconsults. In addition to *madhab*-legal science, the *Wādih*'s first book contains some of Ibn 'Aqil's basic ideas on natural theology (*uṣūl ad-din*), the relationship between reason and revelation, and an extensive discussion of definitions.

*Jadāl* (dialectic) is the tool used by the doctor of the law to equip himself in the defence of his legal opinions, and is arrived at through *ijtihad*, his individual scholarship. The *Wādih*'s second and third books are on dialectic: *Kitāb Jadāl al-uṣūl*, a dialectic applicable to any field of knowledge, with *kalām* especially in mind; and *Kitāb Jadāl al-fuqahā'*, a dialectic applicable

particularly to the field of law. This part of the jurisconsult's training was to enable him to engage in disputation with jurisconsults trained in *kalām*, as well as with Traditionalist jurisconsults. Ibn 'Aqil often refers to the *Wādīh*'s fourth book as *Masā'il al-Khilaf*, or *al-Masā'il al-Khilafiyah*. It deals with legal opinions still in dispute, which the jurisconsult must know as part of his training in disputation, and in order to keep up with the development of the law. It occupies more than two thirds of the entire work.

Thus, the *Wādīh* represents the complete college curriculum of legal studies leading to the doctorate of law, the professional licence for the double function of teaching the law and issuing legal opinions. It covers the three major fields listed in a typical biographical notice on a jurisconsult, in a *tabaqat*-work, showing that the biographee had completed his professional training as a jurisconsult (*faqīh*): basic law (*madhhab*); dialectic (*jadāl*); and disputed questions (*khilāf, masā'il khilafiyah*); the disciplines of scholasticism, which included, of course, the material sources of the law, the Qur'an, and *hadīth*. The ancillaries of legal studies, in the college curriculum, were some of the disciplines of humanism.

### *The Magisterium of the Jurisconsult-Theologian*

After his Introduction, Ibn 'Aqil deals with the meaning of *uṣūl al-fiqh*, as is usual with other authors. But what distinguishes him from the others is the care he devotes to defining the word for jurisconsults (*fuqahā'*). His purpose is to identify those who belong to this category of religious intellectuals, in whom rests the authority to determine orthodoxy. From among the religious intellectuals (*ulamā'*), he specifies jurisconsults (*fuqahā'*) as the only religious intellectuals with the authority to participate in the process of consensus leading to the determination of orthodoxy. Mardawi (d. 885/1480), in his *Tahrīr*, points out Ibn 'Aqil's specification of jurisconsults, stating that he 'substituted *fuqahā'* for *'ulama'* (*abdala 'ulama' bi-fuqaha'*).<sup>23</sup> In ordinary language, the term *fiqh* means 'understanding'; in technical terms it refers to the understanding of the legal qualifications of the revealed law, arrived at through the method of disputation. The 'roots' or 'sources' of the law (*uṣūl al-fiqh*) are those probative material sources from which the legal qualifications are derived. These sources are: the Qur'an; the Sunna, as reported in the *hadīth*; analogical reasoning (*qiyyās*); the statement of a single Companion (*qaul as-sahābi*); and the presumption of continuance of a state of affairs (*istiṣḥāb*). The term *fiqh* is applied to knowledge of the law in particular, not to knowledge in general (which is denoted by the term *'ilm*). Thus, *fiqh* is not a term applied to grammar, medicine, or lexicography; scholars in these fields are not called *fuqahā'*. Likewise, and this is precisely the point Ibn 'Aqil wishes to make clear, scholars of natural theology (*uṣūl ad-dīn*, which in this context is used synonymously with *kalām*), who have knowledge of such terms as substance

(*jauhar*), accident ('*arad*), genus (*jīns*), species (*nau'*), and so on, are not scholars identified by the name *fuqahā'*, because they, as such, lack knowledge of the legal qualifications (*al-ahkām ash-shar'iya*); nor are their disciplines called *uṣūl al-fiqh* ('roots of the law').

For students of graduate legal studies, Ibn 'Aqil wishes to clarify two points: (1) as accomplished jurisconsults, they will be the only religious intellectuals on whom devolves the determination of religious orthodoxy; and (2) although *uṣūl ad-dīn* (natural theology) is a higher science than law, in the sense that through it the jurisconsult is able to establish the authenticity of the material sources on which *uṣūl al-fiqh* is based, *uṣūl al-fiqh* is an independent, separate, and distinct science through which the jurisconsult arrives at the knowledge of legal qualifications, on which juridico-religious obligation is based. Ibn 'Aqil's concern is to ward off any misconception that may come from considering *uṣūl ad-dīn*, in the sense of *kalām*, as an integral part of *uṣūl al-fiqh*, which would then allow the inclusion of *kalām*-theology as a constituent of orthodoxy, and the *kalām*-theologians as participants in the process of determining orthodoxy.

### *Objects and Instruments of Sciences*

It is in the first part of his *Wādīh* that Ibn 'Aqil writes briefly, but succinctly, on reasoning and the knowledge established through it. The *Wādīh*, like all medieval scholastic works, Christian as well as Islamic, was meant particularly for students, i.e. for professionals of higher learning, not for laymen. After giving a long list of definitions, a veritable lexicon of terms necessary for the understanding of *uṣūl al-fiqh*, Ibn 'Aqil points out that every science has an object and a tool:

Reflective reasoning has a tool and an object. A tool is that which is sought for other than itself; an object is that which is sought for itself. The object here [i.e. with reason] is to know God [i.e. that God exists] and His Messenger. The need of the *mukallaf* (person obligated to observe the religious law) for that knowledge is proper, since to know God and His Messenger is a divine precept of obligation, and can be arrived at only through proof (*burhān*). Proof is a tool, by means of which one accedes to knowledge. The object in dialectic, after the reasoning that is peculiar to man, is to distinguish between truth and falsehood; and the tool of the dialectician consists in circumscribing the question and the answer (*su'al* and *jawāb*), defeating the adversary by reducing him to silence (*ilzām*),<sup>24</sup> dropping the question (*infisāl*); and the use of analogical reasoning (*qiyyās*), and proof. The same applies to the discipline of assent and dissent (*ittisāq* and *ikhtilāf*), *sic et non*.<sup>25</sup>

The object in grammar is to know what is right in morphology (*ṣarf*), and in desinential inflection (*i'rāb*); and the tool for it is the

marshalling of evidentiary examples (*shawāhid*). So also is the case with the principles agreed upon with the adversary. Analogical reasoning is also a tool in grammar.

The object of positive law (*fiqh*) is to attain the truth in legal opinions (*futuha*); the tool with which to achieve it is knowledge of the sources, namely, the Book, the Sunna, and the consensus. In like manner, the object of the science of *kalām*<sup>26</sup> is to attain the truth regarding the roots of religion (*usūl ad-dīnāt*), of which there are five: [1] to know that God exists; [2] to know what may, and what may not, be ascribed to Him; [3] to know the veracity of the Messenger; [4] to know what may, and what may not, be ascribed to him; [5] to know the basic nature of legal opinions with respect to consensus. And the tool for all these five principles is the scholar's exerting his utmost insight to arrive at a sound opinion through the evidence of reason (*al-ijtihād bi-hujjat al-'aql*). Likewise, dialectic is a tool; and the entire tool of dialectic is a tool for the science of *kalām*,<sup>27</sup> namely, circumscription of the question and answer, reducing the adversary to silence, dropping the question, analogical reasoning, proof, assent and dissent.<sup>28</sup>

### *Conclusion to the First Book of the Wādīh*

Ibn 'Aqil closes the first book of his *Wādīh* as follows:

Note that now that I have dealt with these principles and definitions, introduced the fundamentals of the law, and set them apart from the disputed questions, I deem it appropriate to treat the definitions, principles, stipulations, rules and requirements of dialectic – for it is one of the tools of research (*ijtihād*) – and to postpone the treatment of the disputed questions, connecting like things with their like and bringing them together. Thus, I brought together the rules governing these two sciences – the roots of the law and dialectic – after which I treated the disputed questions regarding them both. For the principles of the one are akin to the principles of the other, and are made more intelligible when treated together; likewise, the treatment of the disputed questions of both.

May God grant the 'terminal' student (*al-muntahi*) success in achieving a facility of retention, and may He grant the beginner (*al-mubtadi'*) a rapidity of understanding and learning. For He sufficeth me, and what an excellent Trustee!<sup>29</sup>

The *Wādīh* also deals with other subjects: the theory of knowledge; reason and revelation; the determination of good and evil; consensus; grammar and lexicography, as they relate to the study of the sources of the law and to legal science and the link between the two intellectual movements, scholasticism and humanism – a humanism, recovered from its Rationalist tendencies and reintegrated into Traditionalism, its original home.

## SECTION TWO THEOLOGIES AND ORTHODOXY

### I. THREE THEOLOGIES AND THEIR TECHNICAL TERMS

#### 1. *Kalām*

Three kinds of theology had developed by the eleventh century in classical Islam. Their rise, and the sequence of their development, may be explained by the expansion of religious movements.

The first theology to appear in Islam was that known as *kalām*. It resulted from the reaction of Islam to Christian theology, and to non-theistic thought, Greek, Persian and Indian. *Kalām* was the theology of Mu'tazilism. The condemnation of Mu'tazili *kalām* in the Qadiri Creed, and its exclusion from the curriculum of the legal guild colleges, did not result in its banishment from Islamic thought. Works on *kalām* continued to be written by Mu'tazili authors, and their doctrines were argued, attacked and defended, in books and orally, in the scholarly disputations of the period. It will be remembered that the Qadiri Creed condemned the *kalām* of the Ash'aris as well, in terms of their doctrines, without mention of the name of their school of thought. And Ash'ari doctrines, like those of the Mu'tazilis, continued to be the object of publication and disputation. Traditionalist orthodoxy condemned *kalām* as unorthodox, but made use of it for its apologetic function. *Kalām* was kept out of the process for determining orthodoxy – excluded from its content, but kept for the purpose of defending Islam against heretical doctrines, including those of non-Islamic origin. It was understood that one could not reasonably expect to be successful in argumentation with non-Muslims or heretics, unless willing to argue on the basis of premises acceptable to one's adversary.

#### 2. *Uṣūl al-Fiqh*

The second theology to appear in Islam was that which Shafi'i composed in his *Risala*, as an antidote to the first theology, *kalām*. Shafi'i was the first to react forcefully against Mu'tazili *kalām*, by providing Traditionalist jurisconsults with a science that was at once a law and a theology – a juridical

theology, and a science of the revealed law, opposed to Mu'tazili philosophical theology. He would not have hesitated to call it *uṣūl ad-dīn*. Long after Shafi'i, it appeared under the designation of *uṣūl al-fiqh*.

The religious structure of Traditionalism stood firm on four pillars: (1) the Qur'an; (2) the Sunna; (3) the *ijmā'* (consensus); and (4) analogical reasoning. These were the four principal components of a science, the elements of which were already in existence. Shafi'i brought them together into a new religious science. The four pillars supported two beams, reason and authority. On this edifice, Islamic orthodoxy was henceforth to rest. Besides placing *hadīth* (the Prophetic Traditions), as a material source of the law, on the same footing as the Qur'an, as demonstrated by Joseph Schacht, Shafi'i's main contribution to this structure was to secure legitimacy for the *rational element*; while that of Ibn Hanbal and his followers was to concentrate on championing *apostolic authority*, laying stress on the importance of the *isnād* (pedigree) reaching back to the Prophet, his Companions and their Successors.

Ibn 'Aqil was a member of the Hanbali legal guild; one who, in his writings, demonstrates a high level of respect and veneration for the guild's 'patron saint', Ahmad Ibn Hanbal. But it can safely be said that, as a religious intellectual, he owes more to Shafi'i than to Ibn Hanbal, although he regarded both with equal veneration. This veneration for the two champions of Traditionalism was no doubt an important factor in Ibn 'Aqil's steadfast membership in the Hanbali guild which, of the four guilds, was the most Traditionalist and the least tolerant of Rationalists in its midst. His special regard for Shafi'i must have been due to Shafi'i's creation of the theology that served as antidote to the theology of *kalām*. It was this contribution that was held highest in the mind of Ibn 'Aqil, who calls Shafi'i 'the Father and Mother of *uṣūl al-fiqh*'.<sup>30</sup> He also had a special regard for Ahmad Ibn Hanbal, whom he praised as a leading religious scholar, unsurpassed in the capacity of his memory for the Prophetic Traditions, and for his genius in deriving the law from them.

### 3. *Uṣūl ad-Dīn*

The third theology to appear on the scene was *uṣūl ad-dīn* which came to be used by Rationalists and Traditionalists alike. Ibn 'Aqil's *uṣūl ad-dīn* is a *kalām*-theology severely restricted in scope, unlike the elaborated *kalām* of Mu'tazilism or Ash'arism, and it was utterly foreign to the Traditionalist repertory of religious sciences. As it appears in his *Wādiḥ*, the *uṣūl ad-dīn* of Ibn 'Aqil has a propaedeutic function with respect to *uṣūl al-fiqh* – preparatory to it but not an integral part of it. The original concept of *uṣūl al-fiqh*, with Shafi'i, contained no legal theory or philosophy. What Ibn 'Aqil added to the science of *uṣūl al-fiqh* was a philosophical component, which he considered of fundamental importance.

### 4. Ambiguity of the Three Terms

The term 'theology', meaning 'the science of God', was repugnant to Traditionalist Christian sensibilities. The term was first used in the Christian West, in the title of one of Abelard's (d. 1142) works. And although repugnant at first, it eventually became accepted. In classical Islam, the literal meanings of the three terms for theology are as follows: (1) *kalām*, 'words', 'speech', 'discourse'; (2) *uṣūl al-fiqh*, 'the roots of law'; and (3) *uṣūl ad-dīn*, 'the roots of religion'. To all three terms, the *'ilm*, 'the science of', was also added. Thus, in Islam, there is no term equivalent to 'theology' as 'the science of God', the study of God Himself. Such a term would be repugnant to a religion that calls itself *islām*, 'resignation', 'submission', unconditional surrender to God. For Traditionalist Islam, God is not an object of study; what the religious scholar must study are His commands and prohibitions, which must be obeyed in order to accede to salvation.

There was, in Islam, chronic ambiguity in the use of the terms. *Kalām*, like the term 'theology', dealt with 'discourse' about God, a science whose object was the study of God. It fell into disrepute after the Inquisition, when caliphal policy supported Traditionalist teachings, eventually culminating in the Traditionalist Qadiri Creed. After that, *kalām* tended to take cover under the respectable term *uṣūl ad-dīn*, *dīn* meaning religion, with a basic meaning of obedience.

*Kalām* is a natural theology, based on reason unaided by the data of revelation. Developing first in Mu'tazilism, it was adopted by Ash'arism, a *kalām* for which the term *uṣūl ad-dīn* was often used. *Uṣūl al-fiqh* is a juridical theology – a theology of God's Commands and Prohibitions – the material sources of which are the Qur'an and the Prophetic Traditions. It is a legal methodology, to which elements of legal theory were added after Shafi'i. *Uṣūl ad-dīn*, with the variant, *uṣūl ad-diyāna*, or its plural, *uṣūl ad-diyānat*, and a term sometimes used for *kalām* or *uṣūl al-fiqh*, is also a natural theology the scope of which is restricted in Ibn 'Aqil's *Wādiḥ*. Ambiguity characterised the titles of books: *Uṣūl ad-diyāna*, *Uṣūl as-sunna*, *Uṣūl Ahl as-Sunna wa 'l-Jamā'a*, *Uṣūl ad-dīn*, *Uṣūl al-i'tiqād*; all terms with a Traditionalist resonance. But the surest way to tell whether a work on theology was Traditionalist or Rationalist is to examine the contents; for *uṣūl ad-dīn* could contain one or the other of the two other theologies, depending on the author. In the hands of an Ash'ari, it could stand for Rationalist Ash'ari *kalām*; in those of a Traditionalist author, belonging to any of the four legal guilds, it stood for a Traditionalist theology, directly opposed to *kalām*, whether Ash'ari or Mu'tazili.

## II. TWO 'METHODS' FOR *UŞUL AL-FIQH*

### 1. The 'Method of the *Mutakallimün*'

In the Introduction to the *Wādīh*, Ibn 'Aqil tells the reader that he wrote it at the request of his students, who asked him to make it a comprehensive work, corresponding to two of his elaborate works on *madhab*- and *khilaf*-law, a book that would be clearer than the works of the *mutakallimün*. By 'the works of the *mutakallimün*', he did not mean their works on *kalām*, but on Shafi'i's Traditionalist science of *uṣūl al-fiqh*. What he had in mind were such works as those written by Qadi 'Abd al-Jabbar and 'Abd al-Qadir al-Baghdadi. He therefore intended that his *Wādīh* be 'a departure from the method of the *kalām*-theologians and *obscurrantists*, and to join the method and style of things juridical'.<sup>31</sup> This was why he entitled his book *al-Wādīh* ('The Clear Book'), a book on *uṣūl al-fiqh* proper, and clear of obscurrantism.

In the *Muslim Creed*, A. J. Wensinck mentions 'the increasingly intellectualist and systematising tendencies that show themselves in several forms of the creed from al-Baghdadi's time onward'. He then says, 'I connect them with al-Baghdadi, not because I regard him as their author, but because the doctrine of the roots of dogmatics [i.e. *uṣūl ad-dīn*] appears for the first time in his *Uṣūl ad-Dīn*'.<sup>32</sup> Wensinck considered this trend, i.e. the Ash'ari, to be the orthodox trend, in consonance with the scholarship of the period, given currency by Goldziher. For Wensinck, as for scholars generally, at the time, a Hanbali religious intellectual such as Ibn Taimiya 'stood aloof from the main current of Muslim thought'.<sup>33</sup> Thus Wensinck believed that Baghdad's *Kitāb Uṣūl ad-dīn* represented the main current of orthodox theology in Islam. But the picture was somewhat more involved in the early decades of the eleventh century. The Ash'aris, as Goldziher rightly pointed out, had moved away from al-Ash'ari's Traditionalist Hanbali stance. The intellectualist trend was not only in works entitled *uṣūl ad-dīn*; but also in books on *uṣūl al-fiqh*.

Successful in their bid for inclusion as members of the Hanafi and Shafi'i legal guilds, Mu'tazilis and Ash'aris resumed their efforts in Rationalist theology, attempting to make *uṣūl al-fiqh* a subordinate part of *kalām*. The attempt was made, in turn, by Qadi 'Abd al-Jabbar, and by 'Abd al-Qahir al-Baghdadi. These two religious intellectuals had one object in mind. Though belonging to two different *madhab*-schools of theology, they were both members of the same Shafi'i *madhab*-guild of law. 'Abd al-Jabbar was head of the Mu'tazilis of his day; 'Abd al-Qahir, after the death of his master, Abu Ishaq al-Isfara'ini (d. 418/1027), was the top Ash'ari of his day, coming between two famous Ash'ari theologians, Baqillani (d. 403/1013) and Juwaini. As members of the same Shafi'i guild, 'Abd al-Jabbar and Baghdad were in a position to work on their respective projects

of *kalām*-theology, within the structure of Traditionalism's legal guilds. As a Mu'tazili *kalām*-theologian, 'Abd al-Jabbar should normally have been a member of the Hanafi legal guild, not of the Shafi'i, whose *kalām*-theologians were Ash'ari, as in the case of Baghdad. Thus both were members of the guild named after Shafi'i, who first brought together the elements constituting the new science, later called *uṣūl al-fiqh*. The common objective of these two Rationalist theologians was to contrive the loss of *uṣūl al-fiqh* in the labyrinthine passageways of *kalām*.

In the *Mughnī*, a monumental work on *kalām* by Qādi 'Abd al-Jabbar, partially extant in more than twenty volumes, *uṣūl al-fiqh* occupies one volume, the seventeenth, under the title *ash-Shārīyat* ('matters of divine law'). On the other hand, 'Abd al-Qahir al-Baghdadi mixes *kalām* subjects with those of *fiqh* and *uṣūl al-fiqh*. Unlike 'Abd al-Jabbar's book, which is frankly a Mu'tazili *kalām*-work, in its title and in its text, Baghdad's book is organised as a work on *uṣūl al-fiqh*, and carries the title, *Kitāb Uṣūl ad-dīn*. It is divided into fifteen parts, called *aqāl*, in each of which he discusses fifteen *mas'alas* ('questions'), the work encompassing two hundred and twenty-five questions in total. In each of these questions he examines both the doctrines considered agreed upon (*madhab*), and those that remain disputed questions (*khilāf*), as a book on law would treat legal questions agreed upon, and those which are disputed.<sup>34</sup> He then states that all these 'roots of religion', *uṣūl ad-dīn*, are treated according to the principles of the two schools of thought, *rā'y* and *hadīth*, i.e. the Rationalist and the Traditionalist, respectively, suggesting that the doctrines of both opposing camps were being reconciled in his book.

Such was 'the method of the *mutakallimün*' in *uṣūl al-fiqh*. What 'Abd al-Jabbar and 'Abd al-Qahir had in common was their attempt to make *uṣūl al-fiqh* a subordinate part of *kalām*. The Mu'tazili book was identified as one on *al-'adl wa 'l-tauhid*; the Ash'ari as one on *uṣūl ad-dīn*. In both cases, the authors avoided the term *kalām*, long condemned by the Traditionalists generally, and recently by the edicts of al-Qadir, and by the Qadiri Creed. Had these two Rationalist attempts succeeded, the Traditionalist science founded by Shafi'i would have become a mere fraction of *kalām*. To be sure, both of these Rationalist authors wrote independent works on *uṣūl al-fiqh*, none of which has survived; but we know from Abu 'l-Husain al-Basri, a disciple of 'Abd al-Jabbar and the commentator of his *Umad* on *uṣūl al-fiqh*, that it was loaded with the minutiae of the science of *kalām*. This mixing of the two sciences had the effect of making *uṣūl al-fiqh* unrecognisable as the Traditionalist independent discipline Shafi'i had meant it to be. But these attempts, if cleverly conceived, were terribly ill-timed; for *uṣūl al-fiqh*, by this time, had become the queen of the orthodox fields of religious science, and the premier science of the curriculum of the guild colleges of law, from which *kalām* was radically excluded. *Kalām* had no place in any of the guild colleges of law.

This Rationalist attempt to mix *uṣūl al-fiqh* with *kalām* was bound to meet with strong opposition. The first known arguments against the mixing came, unexpectedly, from a former student of Qadi 'Abd al-Jabbar, the Mu'tazili Abu 'I-Husain al-Basri, who says that the book of his teacher should not be emulated. Subsequent works of renowned authors, Rationalists as well as Traditionalists, follow suit in their condemnation of the mixing, as will be seen presently. The *Irshād* of Imam al-Haramain al-Juwaini, on *kalām*, includes a chapter of only a few paragraphs, entitled 'Ordering the Good and Prohibiting Evil'.<sup>35</sup> The practice of mixing the two disciplines was already on the way out, not long after its inauguration.

The Qadiri Creed, which condemned as unorthodox Mu'tazilism and Ash'arism, appears to have been instrumental in Basri's dramatic turn-about. Criticising the mixing of *uṣūl al-fiqh* with *kalām*, he declared the two sciences separate and distinct. In the view of triumphant Traditionalism, not only was *kalām* distinct and separate from *uṣūl al-fiqh*, it had no part to play in the determination of orthodoxy. Religious scholars in the legal guilds, whatever their theological persuasion, had henceforth to follow the Traditionalist trend of thought, if they wished to be members of the legal guilds.

It is in this context that the full significance of the *Wādiḥ*, and its place in theological thought, becomes clear. Ibn 'Aqil's *Wādiḥ*, as already indicated, is an antidote to such Rationalist works as those of Qadi 'Abd al-Jabbar and 'Abd al-Qahir al-Baghdadi, it is directly opposed to them. Whereas they attempt to merge *uṣūl al-fiqh* with *kalām*, Ibn 'Aqil makes a clear distinction between the two sciences; and whereas they dilute *uṣūl al-fiqh* and neutralise it in a flood of *kalām*, he circumscribes *kalām*, and makes clear what part of it is legitimate and necessary as propaedeutic to *uṣūl al-fiqh*. He thus makes a place for the natural theology of *uṣūl ad-dīn* in the greater picture of *uṣūl al-fiqh* which, alone, constitutes the sole basis of religious obligation in orthodox Islam.

## 2. The 'Method of the *Fuqahā'*"

For Ibn 'Aqil, as for Shafi'i and Traditionalist Islam generally, God is beyond the knowledge of His creatures. There can be no knowledge of God for them, except as He has revealed Himself to them. The most that His creatures can know of Him, unaided, through their own reason, is that He exists. Beyond His own revelation of Himself in His Books and through His prophets, nothing can be known of His essence, nothing of His attributes. His creatures are under obligation to obey His commands and prohibitions. Rather than a science of God, Traditionalist Islam promotes the science of obligations to God. Positive law(*fiqh*) includes *'ibādāt*, as well as *mu'amalāt*; that is to say, what is owed to God, and what is owed to man as God's creature. The method used to arrive at the knowledge of the law is

*uṣūl al-fiqh*, a method for which only jurisconsults (*fuqaha*) are qualified.

Following are some introductions to works on *uṣūl al-fiqh*, which shed light on this science being reclaimed for Traditionalism, its original home, in that critical century of Ibn 'Aqil. They point to a struggle which had been going on within the nascent guilds of law regarding this science. They indicate the desire of their authors to align themselves on the side of Traditionalism.

To begin with, the Traditionalist attitude is expressed by Shafi'i, in the Introduction to his *Risāla*: 'Praise be to God ... Who is as He has described Himself, and Who is Exalted above all the attributes given Him by those among His creatures who have described Him.' The conclusion to be drawn is that God's attributes do not call for investigation by His creatures; they are as He Himself has already revealed them. Another telling passage comes at the end of the Introduction: 'No event shall befall an adherent of God's religion but that there is a guide in the Book of God showing the right way to be followed.' Conclusion: there is no need to go beyond the Sacred Scripture on which are based the other sources of the divine positive law.<sup>36</sup>

By the eleventh century, Shafi'i's *Risāla* had helped to accomplish two things: (1) to relegate *kalām* to the status of an extra-curricular discipline, now tolerated, now condemned; and (2) to replace *kalām* with *uṣūl al-fiqh* as the uncontested orthodox theology of Islam. Man's obligation was to learn what God wanted him to do and to avoid doing, in order to accede to salvation. All that man needs is contained in the Book of God and the Sunna of His Prophet. And Shafi'i provided the method to be used in dealing with these material sources of the law. The attempts of 'Abd al-Jabbar and Baghdad remained without sequel. Subsequent authors, Rationalists as well as Traditionalists, separated *kalām* from *uṣūl al-fiqh*; among them were the following master jurisconsults: Abu 'I-Husain al-Basri, 'Alam al-Huda al-Murtada (d. 436/1044), Ibn Hazm (d. 456/1064), Abu Ishaq ash-Shirazi, Imam al-Haramain al-Juwaini, al-Bazdawi (d. 482/1089), Abu 'I-Muzaffar as-Sam'ani (d. 489/1096), Abu Hamid al-Ghazzali, and Abu 'I-Wafa' Ibn 'Aqil.

Abu 'I-Husain al-Basri was a Mu'tazili who, after adopting 'Abd al-Jabbar's view, changed his mind and turned against it. Basri had first written a commentary on the latter's *Kitāb al-'Umad*, on *uṣūl al-fiqh*, in which the master had dealt extensively with *kalām*. He followed the problematics of the original, and thus had also to deal with *kalām*. When he came to write his own work on *uṣūl al-fiqh*, the *Mu'tamad*, he declared the mixing of the two sciences inappropriate in a work on *uṣūl al-fiqh*, since the latter science is an independent discipline.

*Uṣūl al-fiqh* works by authors such as Baqillani, Qadi 'Abd al-Jabbar, Abu Ishaq al-Isfara'ini, Abu Hamid al-Isfara'ini (d. 406/1016), and 'Abd al-Qahir al-Baghdadi – Ash'ari and Mu'tazili scholars who died just before and just after Caliph al-Qadir's edicts and the Qadiri Creed – are still

inextant. The earliest work available of that period is al-Basri's *al-Mu'tamad fi uṣūl al-fiqh*. Fortunately, there is enough in the Introduction of this work to afford us a glimpse of the change in the author's attitude regarding the relation between *uṣūl al-fiqh* and *kalām*. Basri wrote his *Mu'tamad* in order to right a wrong. Here is a pertinent section of that introduction:

What prompted me to compose this book on *uṣūl al-fiqh* [i.e. the *Mu'tamad* (B)], after my commentary on *Kitāb al-Umad*,<sup>37</sup> and making a thorough study of it, is that I followed the course set out in that book as regards the arrangement of its chapters, repeating many of its questions, and commenting on chapters of *kalām* minutiae inappropriate for *uṣūl al-fiqh*; as, for instance, the treatment of the divisions of knowledge, the definitions of necessary and acquired knowledge, that reasoning produces knowledge and that knowledge does not produce reasoning, and other such matters. The book becomes lengthy with such questions and with the verbatim quotations of the *Umad*, and with the interpretations of a great part of them. I therefore wanted to compose a book with chapters well arranged and free from repetition, in which I would avoid treating the minutiae of *kalām*, improper in a work on *uṣūl al-fiqh*; for such matters belong to another science, the mixing of which with this science is unwarranted, even if it should have a remote connection with it.<sup>38</sup>

At this point in the text, I believe there is something wrong, due to a copyist's *lapsus calami*. It appears to me that what the author meant to say is as follows:

If the treatment of *uṣūl al-fiqh* is unwarranted in books on *fiqh*, though *fiqh* is based on them and is closely related to them (i.e. the science's principles), it is all the more unwarranted to deal with *al-'adl wa l-tauhid* ['The Justice and Unity of God' – the Mu'tazili term for *kalām*] in *uṣūl al-fiqh* because they are remotely related to them, and understanding the purpose of the book [on *uṣūl al-fiqh*] does not depend on them.

In the Ahmet III Manuscript, in Top Kapi Sarayı (Istanbul), designated by the letter *qāf* in the edition of Hamidullah et al., the two words '*al-'adl wa l-tauhid*' are written at a distance from those preceding them, which is perhaps an indication that the copyist of the manuscript was doubtful about the proper place for those words, though he could not think how the text could be emended. For instance, the text could be read as follows (and that is how it is translated in the above paragraph): *Fa-innahu idhā lam yajuz an yudhkara usūlu l-fiqhi fi kutubi l-fiqhi, ma'a kauni l-fiqhi mabnīya 'alā dhālika ma'a shiddati, 'ittisālihi bih, fa-bi-an lā yajūza dhikru l-adli wa l-tauhidī fi uṣūli l-fiqhi – 'alā bu'di ta'alluqiha bi-hā, wa-ma'a annahū la yaqifū 'alaiha fahmu l-gharadi bi l-kitābi – aulā*. I now continue the translation of the passage:

Also, if the reader of these chapters in *uṣūl al-fiqh* knows *kalām*, he has a thorough knowledge of the subject and will derive no benefit from them. On the other hand, if he does not know *kalām*, understanding the subject will be difficult for him, even if I laid it out clearly for him. His annoyance and irritation will be great, for he will have given his attention to, and spent his time on, something hard for him to understand, and which does not help him to reach his goal. It would therefore be preferable to omit these chapters from *uṣūl al-fiqh*.<sup>39</sup>

It is clear that Basri is not condemning *kalām* – far from it; one can even sense that he sets the science above that of *uṣūl al-fiqh*, as reserved for scholars of higher attainments. To my mind, Basri simply wishes to show his judicial Traditionalism, while reconciling the Traditionalists to the legitimacy of *kalām*, in its proper place, by showing them that law, queen of the sciences in the law college curriculum, has no need for *kalām*, important as it may be in its own sphere. The author goes on to justify his separation of what he considered to be two distinct sciences.

Basri's is the first known separation of the two sciences by a Rationalist, after their combination by 'Abd al-Jabbar and 'Abd al-Qahir al-Baghdadi. The famous Shi'i religious scholar, 'Alam al-Huda al-Murtada, Marshall of the Talibid nobility, and contemporary of al-Basri (they both died the same year), is of a similar opinion in his *Dhāti'a*. For him also, *uṣūl al-fiqh* is an independent discipline, even if it is established on the basis of principles drawn from *uṣūl ad-dīn*. If one were to include anything of *uṣūl ad-dīn*, one would have to include the whole of it.<sup>40</sup> Murtada was not advocating such inclusion.

The Spanish Zahiri Traditionalist, Ibn Hazm (d. 456/1064), cites his *Taqrib* on logic, and his *Fīsāl* on heresiography, showing which doctrines are to be preferred, guided by the *Taqrib*. He then states that he composed his work on *uṣūl al-fiqh*, i.e. the *Iḥkam fi uṣūl al-ahkām*, in order to make clear the divine will regarding man's obligations towards God and towards his fellow-man, guided by the proofs adumbrated in the *Taqrib*, and 'we made this book'<sup>41</sup> a complete collection of the laws regarding which the jurisconsults (*an-nāds*) have differed, going to the limit in encompassing all the sources of the law in the religion, cut off from excess, well-ordered in its sections ...'. Thus Ibn Hazm sees the need for logic, but considers it a separate discipline; and he avoids mixing *uṣūl al-fiqh*, with any other discipline.<sup>42</sup> His *Taqrib* is a separate work.

Abu Ishaq ash-Shirazi, a Shafi'i Traditionalist, wrote a small book on *uṣūl al-fiqh*, *al-Luma' fi uṣūl al-fiqh*, which came after his book on the disputed questions, *at-Tabṣira fi l-khilaf*, in both of these he opposes the *kalām*-theologians, including the Ash'aris.

Imam al-Haramain al-Juwaini, Shafi'i-Ash'ari, has already been mentioned regarding the very brief treatment of *uṣūl al-fiqh* in his *Irshād*, under the title *al-amr bi l-ma'rūf wa 'n-nahy 'ani l-munkar*. He states that the

*mutakallimūn* have the habit of treating this subject in *uṣūl [ad-dīn]*, natural theology,<sup>43</sup> whereas it belongs to the province of the jurisconsults.<sup>44</sup> It is very likely that this remark dates from Juwaini's later Traditionalist-inspired period, that of his *Raṣāla Nizāmiyya*.

The Hanafi Traditionalist al-Bazdawi, in his *Kitāb al-Uṣūl*, divides religious knowledge into two disciplines, *'ilm at-tauḥīd wa ṣ-ṣifāt* ('The Science of God's Unicity and His Attributes') and *'ilm ash-shari'a wa l-ahkām* ('The Science of the Revealed Law and the Legal Qualifications'), i.e. *Uṣūl ad-dīn* and *Uṣūl al-fiqh*, respectively, makes the following statement:

The proper way to deal with the former is to cling to the Book and the Sunna, and to avoid whims and heresies; to adhere to the way of the Sunna and the Community, which was followed by the Prophet's Companions and Successors and tread by men of piety. It is the road followed by our masters and Forefathers – I mean Abu Hanifa, Abu Yusuf, Muhammad [ash-Shaibani, d. 189/805], and the generality of their fellows ...'.<sup>45</sup>

It is very clear that Bazdawi makes a distinction between *uṣūl ad-dīn* and *uṣūl al-fiqh*, which latter he restricts to the religious sources, Qur'an, Sunna, and consensus, distinctly removing them from any tendency towards Mu'tazilism.<sup>46</sup> Note that it was the Hanafi legal guild which accommodated the Mu'tazilis in its ranks. Bazdawi goes on to identify the second named science as being that of *'ilm al-furū'*, which is *'ilm al-fiqh*, consisting in the knowledge of the law, mastery of the explicit texts together with their intended meaning, grasp of the roots and branches of the law, and practical application of this knowledge, so that knowledge itself (*'ilm*) does not become the object pursued, devoid of its application (*'amal*). The ideal *'ālim* of Traditionalist Islam was 'the practising (religious) intellectual', *al-'ālim al-'amili*.<sup>47</sup> When these objectives are attained, one becomes a jurisconsult.

Abu 'l-Muzaffar as-Sam'ani, a Shafi'i Traditionalist, who had switched from the Hanafi legal guild, criticised the mixing of *kalām* with *uṣūl al-fiqh*, in his book on the latter science, *Qawāti' al-adilla* ('Conclusive Proofs', 'Conclusive Evidence'), a title which Juwaini used for his book on *kalām*. Sam'ani begins by pointing out that law is the most important and most noble of the sciences, because it deals with limitless ever-changing events, and consequently there is no limit to or way of encompassing the knowledge of the laws to be applied to these events. However, theology is 'the science of the fundamental principles regarding acts of obedience to God', *'ilm al-uṣūl fi d-diyānat* [i.e. *uṣūl ad-dīn*]. Sam'ani continues in substance:

although it is a noble science in itself, forming the basis of all principles in religion, and the foundation of all the religious sciences, yet it is a science whose structure is limited because of the finite nature of its subject matter. This is limited to that which God instructed us to obey, to which nothing can be added or taken away. On the other

hand, law is an on-going science continuing with the passage of centuries, and changing along with the circumstances and conditions of men, without end or interruption. Indeed, God provided the legal scholarship (*ijtihād*) of the jurisconsult, to take the place of the divine inspiration of the time of the Prophets. When that time passed, God made legal scholarship to take the place of the Prophet's inspiration, so that a clarification of God's laws would issue from it.<sup>48</sup>

It is clear that Sam'ani considers legal scholarship as fulfilling a role succeeding that of the Prophet Muhammad, Seal of the Prophets; the function of this role is to provide the faithful with guidance on their road to salvation. Sam'ani then deals with works on *uṣūl al-fiqh*, pointing out that such works should be treated independently of *kalām*:

I have not ceased throughout my life to study the works of colleagues and others on this subject. I noticed that most of them have contented themselves with a superficial study of the subject, rather than delving deeply into its themes. I noticed that one of them dug deep, analysed, and blended, but he deviated, following the method of the *mutakallimūn*, who are but strangers to jurisprudence and its themes; nay, they are completely ignorant of this science.<sup>49</sup>

Ghazzali, in his *Mustasfa* on *uṣūl al-fiqh*, follows in the footsteps of Ibn Hazm regarding the use of logic for *uṣūl al-fiqh*; but he makes a book on logic part of his book on *uṣūl al-fiqh*, the *Mustasfa*. He points out that works on *uṣūl al-fiqh* are all too frequently loaded with too much *fiqh*, or *kalām*, or grammar, depending on the special interest of the author. Addressing the reader he says: 'After having told you of their excesses in this kind of mixing [of the sciences], it is nevertheless not our opinion that we should keep this work free from admixture; because being weaned from what is familiar is hard to take, and minds turn away from the unusual.' Ghazzali then proceeds to give a complete work on logic, as a prolegomenon to his *Mustasfa*, pointing out, in his characteristic way of wanting it both ways, that it does not particularly belong to the science of *uṣūl al-fiqh*, and advising students that those among them 'who do not wish to write down the prolegomenon may begin the book from the first *qutb*, for that is the beginning of *uṣūl al-fiqh* proper'.<sup>50</sup>

Ibn 'Aqil, in distinguishing the *kalām*-theologian from the jurisconsult, is intent on excluding the former from among those who have the authority to determine orthodoxy. Here is his statement:

the scholars of *uṣūl ad-dīn* [i.e. *kalām*], who are experts on the substance, the accident, the genus, the species, the specific property, the distinction, and reasoning from the visible order to the invisible order, are not designated by the name of jurisconsults, because they lack the knowledge of the legal qualifications of the revealed law; nor are

their sciences designated sources for the law, even if the proofs we mentioned in *uṣūl al-fiqh* are based on the knowledge which *uṣūl ad-dīn* uses to establish the contingency of the world, the existence of the Creator, and that He is One, and what is due Him and may be said of Him, and what may not be said of Him, and the mission of the prophets, and so on ...<sup>51</sup>

That Ibn 'Aqil had to specify what he meant by *uṣūl al-fiqh* points to what I have already referred to as the ambiguity of the term. By specifying some of the term's contents, Ibn 'Aqil showed that it was synonymous with *kalām*. It was generally known that *kalām* was censured, for its censure had a long history in Islamic religious thought. The uninitiated were not, however, certain about *uṣūl ad-dīn*, for the term had been used by Traditionalists and Rationalists alike. Ibn 'Aqil felt the need to identify it by its contents, in order to distinguish it from the *uṣūl ad-dīn* of limited scope, which he considers necessary as a propaedeutic to *uṣūl al-fiqh*.

In adopting *uṣūl al-fiqh* as its orthodox theology, Traditionalism was opting for belief in salvation based on both faith and works. Had there been no need for works, there would have been no need for *uṣūl al-fiqh*. But the need for works, as well as for faith, in the economy of salvation, made *uṣūl al-fiqh* the Traditionalist religious science par excellence, necessary to accede to the knowledge of the qualifications of the law.<sup>52</sup> It is this function that distinguishes the jurisconsult from the *mutakallim*, and sets him apart, as doctor of the law, from all other religious intellectuals. *Uṣūl al-fiqh* is not a religious science for those who seek salvation on the basis of faith alone, since it calls for both faith and works. Thus the jurisconsults, through their legal opinions, were the sole jurisdictional authorities for the determination of orthodoxy. The philosophical *kalām*-theologians were not thus qualified, and were therefore excluded from the process of determining orthodoxy. The theology of jurisconsults has for its subject-matter God's will in His commands and prohibitions, which man is obligated to obey (*mukallaf*). On the other hand, the subject-matter of *kalām*-theologians is God Himself.

Perhaps the most significant of all Introductions, in this regard, after that of Shafi'i and in its true spirit, is that of Ibn 'Aqil. It will be remembered that he dubbed Shafi'i 'the Father and Mother of *Uṣūl al-fiqh*'. In the prologue to his *Wādīh*, he says that many of his students asked him to write a comprehensive work on *uṣūl al-fiqh*, dealing with the same subject as his two 'greatest books' on the Hanbali guild's basic principles, and on the disputed questions; that the latter subject continue to be treated separately; and that the work be of such clarity in exposition as to contrast with the recondite works of *kalām*-theologians on the same subject constituting a departure from their method and a return to the method and style of matters juridical.

Relying on God to turn this endeavour to good account, I complied with their request according to their wishes and hopes, doing my ut-

most and getting to the heart of the matter. No one is ever disappointed in reaching his goal who is sincere in his quest, then takes refuge in God with respect to that which lies beyond the reach of his endeavours, beseeching His help to achieve the objective through the grant of right guidance and success, and putting his trust in the Lord's statement, 'Those who have struggled for Us, We will certainly guide them to Our paths' [Qur.29:69].<sup>53</sup>

Shafi'i reportedly held in abhorrence *kalām* and the *mutakallimūn*: 'There is nothing more hateful to me than *kalām* and its practitioners'. This attitude and certain events since the time of that great jurist, namely, the ninth-century failure of the Inquisition, the tenth-century defection of Ash'ari, and the eleventh-century edicts of al-Qadir and the Qadiri Creed, all go far to explain the favourable change of fortune for Traditionalism, to the detriment of Rationalism.

### III. IBN 'AQIL'S THEOLOGY OF THE TWO *UṢŪLS*

#### 1. Ibn 'Aqil's Works on Theology

Ibn Rajab is the foremost biographer of Ibn 'Aqil. He shows that he understood the essence of Ibn 'Aqil's religious thought when he begins the latter's bibliography with works on the two *uṣūls*, '*al-uṣūlān*', i.e. *uṣūl ad-dīn* and *uṣūl al-fiqh*. As mentioned in the Preface, I have been able to find and edit of Ibn 'Aqil's works on theology, a series of four articles (*fāṣl*).<sup>54</sup> Of his major work on the subject, *Kitāb al-Irshād fi uṣūl ad-dīn*, I have been able to recover only a few excerpts; and fewer still from his *Kitāb al-Intiṣār li Ahl al-Hadīth*, and of his *Kitāb Nihāyat al-mubtadi'in*. The extant passages of his *Irshād* give us an idea of its contents, which appear to include the chapter on the *imāma*, as in the *Tamhīd* of al-Baqillāni. In the absence of these works of his, reliance must be placed on what can be gathered from his other works, and from what can be found quoted in the works of later writers. It is from his major work, *al-Wādīh*, that we have his basic ideas on *uṣūl ad-dīn*, as it concerns *uṣūl al-fiqh*. The *Funūn* has many passages dealing with *uṣūl ad-dīn*, as well as with *uṣūl al-fiqh*, indicating his continued interest in these fields up to the last years of his life. The volume we have of his *Funūn* was written in 510/1116, three years before his death.

#### 2. The *Wādīh*'s Two *Uṣūls* and Orthodoxy

In the *Wādīh*, Ibn 'Aqil distinguishes between *kalām*, *uṣūl ad-dīn*, and *uṣūl al-fiqh*. In his view, the two *uṣūls*, the two sets of 'roots', are *uṣūl ad-dīn* and *uṣūl al-fiqh*, both involved with orthodoxy. The function of *uṣūl ad-dīn* is to authenticate the material sources of the law; that of *uṣūl al-fiqh* is to study

the method which derives man's obligations to God from those sources. For Ibn 'Aqil, reason proves the existence of God, whose existence authenticates the Qur'an as His word, and His word points to the Prophet Muhammad as His true Messenger. Reason's function is to *authenticate*; God's word alone *obligates*. Obligation (*taklif*) is at the roots of religion; it is the very core of *uṣūl al-fiqh*, which is the essential science of orthodox Islam. *Kalām*, at best, can help to remove doubts from the minds of the faithful, and defend the Islamic religion against its adversaries; at worst, it plants doubts in the minds of the faithful and, in so doing, is of great harm to the creed. Ibn 'Aqil is nevertheless aware of the influence of both philosophy and philosophical theology on law. In his *Wādīh*, he points out that the term 'nature' was first discussed among the Naturalists, then was taken up by the *kalām*-theologians, and from them it passed on to the jurisconsults.<sup>55</sup> *Kalām* took what it needed from philosophy, and *fiqh* helped itself to what it needed from *kalām*. But the science which alone matters for the Muslim faithful, for their accession to salvation, is the revealed law which, through the methodology of *uṣūl al-fiqh*, makes clear the obligations Muslims have towards the Creator: obedience to His commands and prohibitions, the essence of religion.

The scope Ibn 'Aqil gives to the restricted natural theology of *uṣūl ad-dīn* is directly related to the needs of *uṣūl al-fiqh*; that is, the three fundamental 'roots' of religion, become the basis for the three fundamental 'roots' of law: (1) the existence of God, the determination of which, through reason, is the basis for the authenticity of the Qur'an; (2) the Sunna of the Prophet, whose veracity and the authenticity of whose mission are guaranteed by the Qur'an; and (3) the infallibility of the consensus of the Islamic Community, guaranteed by the Prophet's Sunna. Ibn 'Aqil develops his thought on this subject in one of the 'articles' (*fāṣl*) of the *Wādīh*, when dealing with the acquisition of knowledge through reason and revelation. It is in this passage that we see the importance Ibn 'Aqil attaches to *uṣūl ad-dīn*, specifying its function and determining its scope:

Article Explaining What May Be Known  
Through Reason to the Exclusion of Revelation;  
What May Be Known Through Revelation  
to the Exclusion of Reason;  
And What May Be Known Through Either.

Note that all the knowable religious values attached to human acts are divided into three categories: first, those which may be known only through reason, to the exclusion of revelation; second, those which may not be known through reason, nay, cannot be known except through revelation; and the third category, which may be known through reason as well as revelation. These are: the adventicity of the world; the existence of the creator – Praised be He!; the

affirmation of His unicity, of His necessary attributes, of the prophetic mission and the conceivability of its proceeding from Him – Praised be He! – and all that pertains to these things through which alone can be known the divine unicity and the prophethood.

This is indicated by the fact that revelation consists simply of the word of God, and what is related on the authority of him who is known to be His Messenger transmitting His Message, and the consensus of those said by the Messenger not to fall into error. But it will never be possible to know that the statements are God's, or those of his Messenger, or that the consensus is preserved from error, until God Himself is known [to exist]. For all the above statements are predicated on the affirmation of God's existence. Now it is impossible for anyone to say anything about God, or His Messenger, unless he knows that God exists; just as it is impossible for anyone to know Zaid's words, or those of Zaid's messenger, who has no knowledge of Zaid's existence. Therefore it is necessary that the knowledge of [the existence of] God and of His Messenger belong to the category of what is known through reason, not through revelation.

It is inadmissible for someone to say, 'I know God and His Messenger through a report on the authority of God's statement and on that of His Messenger.' The reason for this is that we have no reporter whose veracity we know by necessity; because of the sure evidence that such a reporter has no way to establish his knowledge other than that available to us. Nor is it admissible that the veracity of such reporters on the divine unicity and on prophethood be known through the evidence of reason; because this would require that such evidence be that through which the affirmation of the divine unicity and the prophethood is known, irrespective of the reporter's report regarding them. His report would merely be a calling of our attention to them; but what is needed is proof, not merely the reporter's word.

It has therefore been established that knowledge of the things cited previously, and of what cannot be achieved without it, is *perceived through the judgement of reason, inasmuch as this category is not within the scope of revelation*. Again the reporter relating information on God's unicity and on prophethood can know the validity of his report, either through reasoning or through a report made to him. If he knows it through reasoning, then what we have said is true; but if he knows it through the report of another reporter, and the latter knows it through another reporter still, and so on, it would be necessary to affirm the truth of reporters *ad infinitum*, which would be absurd.<sup>56</sup>

Ibn 'Aqil, having given what can be known through reason alone, goes on to give, in the two sections of this article, examples of what may be known through revelation.

In 'Section [One]' of this article, Ibn 'Aqil deals with the legal qualifications known not through reason but only through revelation, and which have a direct bearing on obligation. (See below, Chapter V, 2, where the section is given in translation.)

**Section [Two].** The third category, which may be known sometimes through reason, and sometimes through revelation, consists in any rational judgement and proposition, the ignorance of which is not permissible regarding God's unicity, and the prophethood. For instance, knowledge of the possibility of seeing God with our eyes; the admissibility of the forgiveness of sinners other than the infidels; knowledge of the rightness of accepting the validity of the *hadīth* of a single reporter; the admissibility of reasoning by analogy in the determination of the legal qualifications of acts; and other such things which, when the person obligated to observe the precepts of the religious law is ignorant of them, it is still possible for him, in spite of his ignorance of them, to know the existence of God and the validity of the prophetic mission of His Messenger. The foregoing remarks should be sufficient regarding this subject.<sup>57</sup>

Thus reason, for all its importance, is not capable alone of satisfying all that is needed for salvation. To be saved, mankind needs God's revelation. Reason and revelation are both needed. We have already seen how Ibn 'Aqil defines the specific primacy of reason in its function to establish the existence of God, the authenticity of the Prophet's mission, and the infallibility of consensus. But what happens when reason appears to be contradicted by revelation, or vice versa? Here, Ibn 'Aqil is categorical in his declaration that 'reason is in agreement with revelation, and there is nothing in revelation except that which agrees with reason': *inna l-aqla muṭabiqun li 'sh-shar', wa-innahū lā yaridu 'sh-shar'u illā bi-mā yuwaṭifqu l-aql*.<sup>58</sup> If reason and scripture appear to contradict one another, either the transmitted Tradition is absurd and should be set aside, or a Qur'anic verse was misunderstood and should be explained, or is ambiguous and should be left to its Author Who knows best what it means.

### 3. Natural Theology and Juridical Theology

In championing natural theology – *uṣūl ad-dīn* or *kalām*, in the restricted scope he gives it – Ibn 'Aqil was going against a strong tide of Traditionalist opposition, within and without the confines of his own Hanbali guild; this centuries-old opposition against *kalām* was known as 'the censure of *kalām* (*dhamm al-kalām*)'. He nevertheless held his ground, and never wavered from advocating reason as the necessary starting-point for the authenticity of the data of revelation. Without a rational basis for the existence of God, revelation would lack its authentication as God's word. Keenly aware of a

tradition of opposition to *kalām*, in any shape or form, within his own guild, Ibn 'Aqil nevertheless meets it head-on at the beginning of his book on theology, *al-Iṛshād fi uṣūl ad-dīn* ('Guidance in the Roots of Religion'). From this lost work, Ibn Muflih (d. 763/1362) preserved a precious passage from its Introduction, in which Ibn 'Aqil speaks his mind in no uncertain terms, after making the usual excuse for censuring fellow-Traditionalists:

I excuse myself for censuring some of our contemporaries for saying, 'It is more appropriate to occupy oneself with other than *uṣūl ad-dīn*, and to pass over it in silence.' Truly, this is the statement of a person who is ignorant of the proper place of *uṣūl ad-dīn*, and who deviates from what is right.<sup>59</sup>

Ibn Muflih, stating that Ibn 'Aqil wrote at length in this regard, does not quote the latter's entire statement; but he does cite a statement of Ahmad b. Hanbal, which justifies the position taken by Ibn 'Aqil: 'We used to keep our silence, until we were impelled towards *kalām*, so we made use of it.'<sup>60</sup> Elsewhere, Ibn Muflih states that he found in a work of Qadi Abu Ya'la the Younger (d. 560/1165) differences of opinion within the Hanbali legal guild, and what Ahmad b. Hanbal said about that. Ibn Muflih goes on to say:

The sound doctrine of our legal guild is that the science of *kalām* is permitted by the revealed law. It is permissible to engage in disputations regarding it, to dispute with heretical innovators, and to compose works in refutation of them. This view was held by the leading scholars, the Qadi [Abu Ya'la] and [Abu 'l-Hasan] at-Tamimi [d. 371/982], as well as a group of others.<sup>61</sup>

Ibn Muflih adds that the use of *kalām* is a good work, of benefit to others as well as to oneself, unlike fasting and the ritual prayer, good works benefiting oneself alone. He points out that Ahmad b. Hanbal wrote in refutation of the heretics,<sup>62</sup> and that the great Hanbali Sufi, al-Ansari al-Harawi (d. 481/1088), used *kalām* to refute his opponents. Ansari is also known for a famous work in censure of *kalām*.<sup>63</sup>

### SECTION THREE MAIN CURRENTS OF IBN 'AQIL'S THOUGHT

#### I. THE ROOTS OF KNOWLEDGE

For Ibn 'Aqil, the roots of knowledge are six: the five senses, and the bodily sensations. His Aristotelian theory of knowledge betrays no Platonism. The line of thought which begins in antiquity with Plato, and is later found in St Augustine (d. 430) and his followers in the Latin Christian West, is utterly foreign to Ibn 'Aqil. In post-Augustinian thought, it is St Thomas Aquinas (1225–74) who, like Ibn 'Aqil, sets out the roots of knowledge as consisting of the five senses and the sensations of the body. Among Christian religious intellectuals of his period, St Thomas alone shares with Ibn 'Aqil this Aristotelian theory of knowledge. It is not that of his contemporaries: not that of his teacher St Albert the Great (1193–1280), nor that of Roger Bacon (1214–92), nor that of St Bonaventure (1221–74); in this regard, these three Christian religious intellectuals were still Platonists.

The Aristotelian theory of knowledge of Ibn 'Aqil and St Thomas is not all that these two religious intellectuals have in common. Among the things they share are the following. They have the same attitude of respect towards the Fathers or predecessors, but they reject servile imitation: Ibn 'Aqil did not hesitate to offer an opinion different from that of Ibn Hanbal, as Thomas Aquinas did not hesitate to correct St Augustine; and both differed from their predecessors always with pious respect. They also share the idea that theology must rely on some of the data of natural reason, as for instance that God exists, and that although reason can establish that God exists, it cannot establish what He is. They both believe that there is in revelation that which can be attained through reason, because such knowledge is necessary for man's salvation, and not all men are in a position to attain it, either through lack of time or of reasoning capacity. They also share the doctrine of the reconciliation of reason and revelation. In his *Summa contra gentiles*, Aquinas speaks of the relation between reason and revelation in terms similar to those of Ibn 'Aqil. Here is how he puts it: 'that truth which the human reason is naturally endowed to know cannot be opposed to the truth of the Christian faith ...', and further on, 'it is impossible that the truth of faith should be opposed to those principles that the

human reason knows naturally'.<sup>64</sup> Note that the doctrine of the reconciliation of reason and revelation, in the thought of both Ibn 'Aqil and Thomas Aquinas, is cited from the standpoints of both the Rationalist (reason is not opposed to faith), and the Traditionalist (faith is not opposed to reason). It will be seen below that Qadi 'Abd al-Jabbar states the doctrine only from the Rationalist point of view; while Mardawi (d. 885/1480), when quoting Ibn 'Aqil, cites only that of the Traditionalist.

Ibn 'Aqil's Aristotelian theory of knowledge, as given in the *Wadih*, is modified by his Traditionalist Islamic monotheism, careful to see God as the only Creator, the only Agent. Knowledge is divided into two kinds: (1) eternal (*qadim*), and (2) contingent (*muhdath*). The eternal is God's; the contingent is divided into: (a) necessary (*daruri*) and (b) acquired (*muktasab*). Each of the senses perceives a thing and its contrary. Sight perceives what is white, and what is black; taste, what is sweet, and what is sour; and so on. Knowledge is not generated (*tawallud*) by these means, but only by an act of God following the existence of these means. The naturalists (*Ahl at-Tab'*) believe that the senses produce the knowledge; but this was proved wrong by reason and by revelation. That is what prevents us from professing the doctrine of the creation of acts attributed to other than God. God alone creates.<sup>65</sup>

For Ibn 'Aqil, reason infers the existence of the Creator from the effects of his creation. It infers the authenticity of the Qur'an from the eloquence of its language, believed unmatchable by man. The veracity of God's Prophet-Messenger, bearer of the Qur'an, is reason's inference that God would not send a liar to the Faithful. The Prophet, in turn, guarantees the infallibility of the consensus of the Community as represented by the religious intellectuals, the '*ulama'*, specifically the *fujahā*'. In a letter to Saljuq Sultan Malikshah, who had apparently fallen under the influence of Batini propaganda, Ibn 'Aqil, in discussing scepticism, gives us a glimpse of how he arrives at the knowledge of God's existence through reason. Knowledge is derived through sense perception, reasoning through induction. Although the sceptics admit sense perception by believing only the data of the senses, they do not go beyond the senses by reasoning from the effects of God's creation. This letter is quoted *in extenso* in Part Three below. There is no way of knowing, in the present state of the sources, if Ibn 'Aqil had philosophical proofs of the existence of God comparable to those of Thomas Aquinas.

## II. REASON

### 1. Definition

Ibn 'Aqil defines reason, '*aql*', as being 'a certain kind of necessary knowledge'.<sup>66</sup> This is also the definition of Qadi Abu Ya'la.<sup>67</sup> Ibn 'Aqil goes on to state that this definition is that of the majority of the *mutakallimūn*. It is a kind of knowledge because a person lacking reason cannot have knowledge, nor can someone who has no knowledge be said to be endowed with reason. No one can be knowing except he who has reason.

In this definition, reason appears to be identified with the first principles. A predecessor of Ibn 'Aqil, Barbahari (d. 329/941), seems to have this identification in mind when he states that reason is created (*maulūd*) by God, not acquired, a gift of God's bounty.<sup>68</sup> Barbahari is no doubt alluding to the first principles of reason. Ibn Taimiya cites this definition as that of Abu Ya'la, Juwaini, Ibn 'Aqil, Kalwadhanī (d. 510/1116), and Ibn az-Zaghuni (d. 527/1132), who assimilate it to the first principles, such as the principle of contradiction.<sup>69</sup> Elsewhere Ibn Taimiya says of Ash'ari, Baqillani, Abu Ya'la, Ibn 'Aqil, and Kalwadhanī, that 'reason for them is nothing but pure knowledge'.<sup>70</sup> He also says that Ahmad Ibn Hanbal and others state that reason is a property implanted (*ghartza*) by the Creator.<sup>71</sup> Towards the end of his life, Ibn 'Aqil was of the opinion that the nature of reason is beyond the grasp of the human mind: 'Intellectuals argue about the nature of reason (*māhiyat al-aql*) and know nothing of it; how then do they dare to discourse about the Creator of reason?'<sup>72</sup>

### 2. Reason, God's Gift

Ibn 'Aqil enumerates three major gifts among the many bountiful gifts of God to man,<sup>73</sup> namely: (1) reason; (2) the Qur'an; and (3) God's Messenger, the Prophet. Reason comes first in the mind of Ibn 'Aqil; not first as superior to the other two, but first in logical order for, as already seen, it is reason that must determine the authenticity of the Sacred Scriptures, the Qur'an and the Sunna of the Prophet.

The notion that reason is God's gift to man is one that is shared by Muslim intellectuals in general before Ibn 'Aqil's time; but Ibn 'Aqil lays stress on the purpose of God's gift. For him,

Reason is the most excellent gift God granted mankind. He graciously bestowed it upon them to be used in obedience to its Bestower and in honouring His commands and prohibitions, so that gratitude for His bounty be duly expressed, and that it be then used in the practice of good manners with fellow-creatures. The first fruit of reason is to

obey God in His commands and prohibitions, and to be fair in the treatment of people with courtesy and justice. For a mind that does not bear the fruit of obedience to God, nor of justice to one's fellow-man, is like an eye that cannot see, like an ear that cannot hear.<sup>74</sup>

There is in this statement an implication that a reason which lacks its essential functions is characterised by privation, the essence of evil.

### 3. Rights of Reason

Ibn 'Aqil insists on the rights of reason: 'in reason and in the eyes of the revealed law, it is crucial to give reason the rights that are its due'. He gives a list of these rights: deliberation (*tadabbur*), reflection (*tafakkur*), inference (*istidlal*), intellectual examination (*nazar*), dignity (*waqar*), tenacity (*tamassuk*) for the truth, foresight to prepare for contingencies and consequences (*i'dad li l-awāqib*), and precaution (*ihtiyāt*).<sup>75</sup> To claim rights for reason indicates that Ibn 'Aqil had in mind those who would deny reason its rights. He stands in a middle position between two extremes: the ultra-Rationalists, advocates of the primacy of reason over revelation, and the ultra-Conservatives, who would deny some of reason's rights. Those he has particularly in mind are the partisans of *tawakkul* – *tawakkul* not merely in the ordinary sense of trust in God, but a trust carried to the extreme of fatalism, a tendency among Sufis of his period.

Ibn 'Aqil's concern for reason's rights extends to his fellow-Traditionalists. He attempts to make them understand that reason is not the private preserve of the Rationalists. Nor is it something evil; only its misuse can be evil. Being a gift from God, it can only be good. Make the right use of it, and you will please God. In a passage in the *Funūn*, speaking of reason's rights and the wisdom of old age, he says:

He who recognises the importance of God's gift of reason to His creatures protects it to the utmost of his capacity and shows his gratitude to the extent of his ability and diligence. But I see that the majority of men have deprived reason of its rights. For in their advanced age they bitterly lament, in poetry and in prose, the years of their youth.<sup>76</sup>

Ibn 'Aqil loses no time brooding over the past, he prefers to enjoy the fruits of reason and wisdom in maturity.

Ibn 'Aqil sees two occasions when reason may be set aside: one is wrong, the other right. For him, it is wrong to forsake what the revealed law permits, such as marriage and the rearing of children. Here Ibn 'Aqil is aiming his remarks at the ascetics and mystics, who, in imitation of Christian monks, forsake marriage altogether, or even worse, abandon wife and children, leaving them to fend for themselves, that they may lead a hermit's life.<sup>77</sup> On the other hand, there are times when it is good to give reason a rest, a time for setting seriousness aside, and to give wife and children their

due. In this case, man puts reason in a secluded corner, like a revered master in silent recollection, and plays and jests with wife and children, setting aside all seriousness in the privacy of his home.<sup>78</sup>

#### 4. Intoxication and Reason

Imbued with the notion of reason as the supreme gift of God, and therefore with reason's rights, Ibn 'Aqil considers intoxication so great a sin that he ranks it second only to the greatest sin of all: *shirk*, the polytheism of 'associationism', associating other gods with God. He so considers intoxication because it causes the loss of the use of reason. To his astonished audience, who considered the ranking overstated, he explained, speaking of the state of inebriation brought on by certain Sufi practices, i.e. extreme emotions caused by music, singing and frenetic dancing:

If [the Sufis] knew beforehand that their presence in those places will inevitably cause them to experience a rapturous joy, making them lose their reasoning faculty, then they will have sinned by their presence there, for the avoidance of such places is incumbent upon them. Such is the case if they are truthful in their claim that they were overcome by rapturous joy; but if they lie, then they have been perverted while of sound mind. In either case, they are not free from sin.<sup>79</sup>

Thus to place oneself in the occasion of sin is itself a sin, and should therefore be avoided. Intoxication causes man to lose the use of his reason, and therefore access to the articles of faith, for example, that God exists; that He is One; and, above all, that man owes obedience to His commands and prohibitions.

In another passage against those he considered to be sham Sufis, Ibn 'Aqil notes that the revealed law demands respectful dignified deportment, not dissolute behaviour. Sham Sufis who stir up the emotions should be punished. An angry judge, or a judge enraptured with music, is removed from his post. 'Reason is the ruler over the emotions. When the emotions are stirred up, it is the same as stirring up the subjects against their ruler.'<sup>80</sup> Ibn 'Aqil warns also against the effect produced by rhymed prose in sermons: 'Be not deceived by the stirring up of emotions with rhymed prose and mellow voices. Has the revealed law forbidden the intoxication of wine for any other reason than this iniquity to which it leads?'<sup>81</sup> Ibn 'Aqil condemns listening to the psalmody of the Qur'an for the purpose of arousing the passions.

#### 5. Functions of Reason

Before obedience to God's commands and prohibitions, before justice to God's creatures, before the avoidance of the occasions of sin, reason has

the primordial function of providing proof for the existence of the Creator, and for the veracity of His Messenger. Ibn 'Aqil advances this thesis in the *Wādīh* and in the *Funūn*.<sup>82</sup> He no doubt elaborated it in his lost book on theology, *al-Irshād fi uṣūl ad-dīn*. In a passage of the *Funūn*, he lists the following functions of reason: freeing the creed from difficult passages dispersed in the Qur'an and the Prophetic Traditions, and diverting them from being interpreted as God's injustice, or from being taken in the sense of anthropomorphism, for He has said: 'There is nothing whatever like unto Him' [Qur.42:11], and 'There is none like unto Him' [Qur.112:4].<sup>83</sup> It is for such functions that Ibn 'Aqil sees the legitimacy of metaphorical interpretation.

Ibn 'Aqil is against *kalām*-theologians who profess that salvation consists in knowing the attributes of God. Like other Traditionalists, Ibn 'Aqil does not condemn outright the use of *kalām*, for he considers it useful in clarifying problems of theology, and especially helpful in the defence of Islam against its adversaries. Rather, the controversy between the two camps, in this regard, hinges on whether salvation is possible without knowledge of the divine attributes *acquired through intellectual examination*. In a passage where he speaks of God, he wrote that he imagined Him saying, 'Know Me by what I have made Myself known; do not seek me in places I have concealed and kept to Myself.'<sup>84</sup>

Ibn Taimiya states that Ibn 'Aqil, along with Abu Ya'la, Abu 'l-Faraj ash-Shirazi (d. 486/1094) and Kalwadhanī, advances the thesis of the Mu'tazila on the necessity of intellectual examination, in order to arrive at the knowledge of God's existence.<sup>85</sup> Ibn Taimiya's view here is, however, modified in another of his works, where he cites Ibn 'Aqil, with Abu Ya'la and Kalwadhanī, as opposing those who require the knowledge of God's existence *solely* through *nazar*, although they admit its validity.<sup>86</sup> We have seen above that Ibn 'Aqil not only admits, but requires as necessary for the authentication of the Scriptures, the validity of establishing God's existence through reason unaided by the data of revelation, on the basis that revelation cannot provide the proof of its own validity. But, unlike other religious intellectuals, he does not require such knowledge of laymen.

#### 6. Three Categories of Men Regarding Reason

Ibn 'Aqil divides men into three categories with respect to their attitude towards reason:

How great is the disparity of human conditions! Some metaphysicians say 'there is in philosophy that which enables us to dispense with prophets.' Thus they have annulled the laws of God and contented themselves with the dictates of their [unaided] reason, and the discipline of their intellects. On the other hand, some intelligent people have made reason submissive to the revealed law, but use it to pass

judgement on matters of worldly concern, regarding which there is no provision in the revealed law. And, finally, there are some contemptible people who have annulled the laws of God in order to deliver themselves from restraint and responsibility, and who have annulled reason as well. These last are, in this world, forever wedged in between, on the one hand, the overbearing behavior of men of the law, who apply the legal punishments and humiliate them with all sorts of punitive sanctions, and on the other, the arrogant behaviour of the intellectuals, who straighten them out when they stray beyond the path of rational discipline. Thus they are like animals: if left to themselves, they are devoured by wild beasts; and if made to toil and carry heavy weights, they perish from hard work. Glory be to the Distributor Who distributes among His creatures their shares of benefits and harms!<sup>87</sup>

The three categories of men are the philosophers, the jurisconsults, and 'contemptible people'. Ibn 'Aqil respects the philosophers, for at least they answer to the dictates of reason, and they have ethics to guide them, principles of conduct based on reason, a gift from God. He favours the second category, the jurisconsults, who make use of both reason and revelation, and whose conduct is guided by the revealed law, which is served by reason; this is the category in which he would place himself. The third category, that of the contemptible people, light-minded fools, have no regard for either reason or the revealed law. In this category Ibn 'Aqil places the sham Sufis, the antinomians, against whom he directs his severest censure, preferring to them the *mutakallimūn*, who at least succeed now and then in removing doubts and difficulties in the believer's attempt to understand the Scriptures. But the main concern of the sham Sufis is to escape from the obligations of both reason and revelation, and give free rein to their whims and censurable desires: intoxication and debauchery, fornication and adultery.

## 7. Reason and Revelation

Reason and revelation are God's gifts, by means of which He tutors mankind. Ibn 'Aqil elaborates this theme in one of his sermons. Forsake God's tutorship, and you fall under the domination of men. When you neglect reason and revelation, you do so at your own risk, and you are no better than an animal. Reason and revelation call you to a higher life. The sermon ends as follows:

When will this person free himself from the restraint of men? This type of individual is never able to care for himself, but is always under someone else's care. He is, like a grazing animal, in need of a shepherd. What good has he derived from reason? What influence has the

revealed law had on his education? God preserve us from forsaking His tutorship and guidance, and contenting ourselves with the restraint of His creatures, our peers!<sup>88</sup>

## 8. Reconciliation of Reason and Revelation

Religious intellectuals have sought to reconcile reason ('*aql*), and revelation (*shar'*); they differ, however, regarding which of the two is to be reconciled to the other. For the Rationalists, revelation must be corroborated by reason, must conform with reason; for the Traditionalists, it is reason that must conform with revelation. When neither conforms with the other, a solution must be found. Both Rationalist and Traditionalist solutions seek to avoid anthropomorphism.

At issue is the notion of obligation under the revealed law, which is related, in turn, to the determination of good and evil. For the Rationalist, reason determines good and evil; for the Traditionalist, revelation makes that determination, and reason obeys. For Ibn 'Aqil, reconciliation should be a two-way street: 'Reason conforms with revelation, and nothing in revelation contradicts reason.'<sup>89</sup> For him, right reason and authentic revelation are in agreement; as gifts from God, they have a common source, and God does not contradict Himself.

The Hanbali Traditionalist, Mardawi, gives a partial quotation of Ibn 'Aqil's doctrine. It is interesting that he leaves out the first half of the statement, that 'reason conforms with revelation', the half to which a Rationalist would subscribe, and cites only the second, 'there is nothing in revelation that contradicts reason', the half to which a Traditionalist would subscribe.<sup>90</sup> The Traditionalist says, if the revealed law has nothing in it that opposes reason, then we should be guided by the revealed law; and the Rationalist says, if reason is in agreement with the revealed law, we should be guided by reason. The reconciler of reason and revelation says: if reason is in accord with the revealed law, all we need is reason to determine good and evil, and that is what we do *in the absence of revelation*; for God gave us reason before the gift of revelation. And if the revealed law has nothing in it that opposes reason, then we should be guided by the revealed law, and that is what we should do *when we have revelation*; for revelation is a surer guide: humans err, but God does not. When we have both reason and revelation, we should make use of both. Ibn 'Aqil's attitude in this regard is clearly seen in a passage in his *Funūn*:

Evil natures are the devils of man; and reason and religion are the angels in these matters. There are inner dispositions and tempers that struggle and wrestle with one another; and the revealed laws, external to the human body, are intended for the welfare of this world. So long as man struggles, he is in the process of searching; but *when reason prevails, and he applies the revealed law, he has joined God in the spirit*.<sup>91</sup>

One can sense Ibn 'Aqil's attempt to give reason its due. He wishes to make a place for it among the extreme Traditionalists. At the same time, he wants to serve the Rationalists with notice that, regarding the matter of good and evil, reason must seek the guidance of revelation. The determination of good and evil belongs to the domain of the revealed law.

### 9. Reason and *Uṣūl ad-Dīn*

For Ibn 'Aqil, as already mentioned, the function of reason in *uṣūl ad-dīn* is to supply the necessary proof for the existence of God, Who guarantees the authenticity of the mission of the Prophet, who, in turn, guarantees the authenticity of the consensus of the Community (*ijmā' al-ummā*). Thus reason alone sets in motion the process of authenticating the three basic sources of the revealed law. Sacred Scripture cannot authenticate itself; only reason can authenticate it and, like Scripture, it is a gift from God.

There would seem to be a contradiction in Ibn 'Aqil, who appears to be making use of *kalām*, while adhering to a system of thought with a tradition of unmitigated hostility towards *kalām* and its practitioners – a hostility of which he is, moreover, a foremost proponent. But Ibn 'Aqil's use of reason, unaided in this instance by revelation, rather than making him a Rationalist, points him out as an intellectualist. For him, reason is not merely one of the best of God's gifts to man, but the most excellent of God's gifts. *Most excellent* in that man must begin with reason in order to ascertain the authenticity of the sources of the revealed law, his guide in this life, on his road to salvation. Man begins by doubting; for 'doubts are the keys to minds, and it is with doubt that the door to certitude is made to open'.<sup>92</sup>

Ibn 'Aqil's notion of *uṣūl ad-dīn*, 'the roots of religion', is based on reason and what falls within reason's legitimate scope. Scripture consists of the word of God, i.e. the Qur'an, and the Sunna of the Prophet, His Messenger, who is charged with the transmission of God's Message. The consensus (*ijmā'*) is that of the Muslim Community as represented by the jurisconsults, guaranteed by the Prophet not to fall into error. But it will never be possible to know that the statements of the Message are God's, nor those purporting to come from the Prophet to be truly those of God's Messenger, nor therefore that the consensus is truly preserved from error, *until God Himself is known to exist*. For all the above affirmations are predicated on the reality of God's existence. The primordial function of *uṣūl ad-dīn* is to establish the authenticity of the three basic sources of the revealed law, the very essence of *uṣūl al-fiqh*. For Ibn 'Aqil, as far as orthodoxy is concerned, the science of *uṣūl ad-dīn* goes so far and no further. And this proof of God's existence, for the purpose of authenticating the sources of the revealed law, is an obligation imposed solely on religious intellectuals capable of the task, not on the layman or simple believer. To the Rational-

ist, who insists that a Muslim must know God through rational speculation in order to accede to salvation, Ibn 'Aqil answers that

the Messenger of God made easy what you have made difficult: for he was content with less than that from the people. When he asked the maiden, 'Where is God?' and she pointed to the sky, he said, 'Truly she is a believer.' Thus he left people on the firm ground of affirmation.<sup>93</sup>

This is the extent of the scope of the science of *uṣūl ad-dīn*, in Ibn 'Aqil's thought, as far as one can determine on the basis of his *Wādīh*. In the absence of his *Irshād* on *uṣūl ad-dīn*, we have no way of knowing the exact scope of this science, as he conceived it in that work. In his writings as they have come down to us, Ibn 'Aqil did not advocate the study of theology in the elaborate problematics of the science of *kalām*, for the purpose of determining orthodoxy. He may well have treated *kalām* extensively in his *Irshād*, as did his professor, Qadi Abu Ya'la, in his *Mu'tamad*. But I would not expect him to have advocated it, any more than did Abu Ya'la, as a discipline encompassing *uṣūl al-fiqh*; nor to have advocated its study for other than apologetics, in defence of the Islamic religion against its detractors; nor to have assigned to it any function beyond the limited scope he did.

### 10. Reason and *Uṣūl al-Fiqh*

For Ibn 'Aqil, the 'roots of law', *uṣūl al-fiqh*, are in fact the roots of obligation. Man is obligated (*mukallaf*), to honour the divine commands and prohibitions. Reason's function is to interpret the law, to clarify the texts so as to arrive at a true understanding of God's will. Between Shafi'i's eighth century and Ibn 'Aqil's eleventh, there accrued to *uṣūl al-fiqh* a number of problems properly belonging to *kalām* and legal philosophy. They were added to the problematics of *uṣūl al-fiqh*, after the *Risāla* of Shafi'i, and are: (1) the determination of good and evil (*al-tahsin wa 't-taqbīh*); (2) the relation between reason and revelation (*al-'aql wa 'sh-shar'*); (3) the qualification of things and human acts before the advent of revelation (*hukm al-ashyā'* (*al-a'yān*) *wa 'l-af'al qabl wurūd ash-shar'*); (4) prohibition and permission (*al-hazr wa 'l-i'bāha*); (5) the imposition of obligation beyond one's capacity (*taklīf mā lā yuṭāq*); and (6) the imposition of obligation on the non-existent (*mas'alat al-ma'dūm*). These problems, which have a direct bearing on obligation, will be treated below (Part Two, Chapter V).

### III. TRUTH

#### 1. Truth and Disputations

For Ibn 'Aqil, the purpose of dialectic is the discovery of the truth.<sup>94</sup> The foremost master of disputation in his day, delighting in its practice with his colleagues and sparring partners, he considered it a travesty when its basic object was other than the truth. He admired one of his masters of disputation, Abu Ishaq ash-Shirazi, who 'engaged in juridical disputation only after first having asked for God's assistance, and having formed a sincere intention to uphold the truth, without dressing it up or embellishing it for men'.<sup>95</sup>

Truth is precious, no matter what its source: a jewel on a dung-heap is no less a jewel for being there.

What most causes us to miss useful lessons is our failure to pay attention to thoughts proceeding from those in whom wisdom would usually be out of place. Do you suppose my finding a jewel on a dung-heap would stop me from picking it up? Certainly not!<sup>96</sup>

In a discussion on disputations in mosques, which should be safeguarded from the clamour and the raising of voices, Ibn 'Aqil applied the same principle: he saw no objection to disputations there on questions of law, when the object was the search for the truth.

But, if the object is to surpass the adversary, contending with him for superiority, then the activity enters the realm of wrangling and quarrelling about matters of no importance, unlawful in a mosque. Contention in a mosque regarding matters not involving the religious sciences is unlawful.<sup>97</sup>

In the extant volume of his *Funūn*, Ibn 'Aqil, now nearing the end of his life, reflects on guilds of law seeking the protective aid of the governing power for the success of their doctrinal systems, trading their legal opinions in return for support, rather than relying on the validity of their doctrines:

When the legal guilds seek to triumph by means of a mediator, such as sovereign power and a great number of adherents, or security in return for favours bestowed, they do not deserve our attention. The only doctrinal system worthy of our respect is the one whose own proofs render it victorious, so that when it stands alone, unveiled, stripped in its simplicity of all protective aid and lavished wealth, it stands out in its state of purity and preservation from infirmities and from seeking favours: like the jewel that needs no polish or ornamentation, like the beauty that needs no cosmetics. God save us from a

doctrinal system that seeks success only through a mediator. For that is a system that would bankrupt its adherent of a saving argument, or a clear line of reasoning to adduce in its favour. The truly religious man is he who frees proof from the governing power, and legal validity from recourse to the Forefathers; and in his religion he seldom relies on men.<sup>98</sup>

#### 2. Attorney and Guilty Client

In Islamic law, a person is innocent until proven guilty, based on the principle that 'the fundamental rule of law is liberty' (*al-asl fi l-umūr al-i'bāha*). The accused has the right to be represented by counsel; but the attorney is bound by the truth. Ibn 'Aqil states that if the attorney knows his client to be guilty, he should have him plead his guilt, failing which he should refuse to defend him. If the client is only suspected of guilt, the attorney should first strive to discover the truth, before accepting to represent him.<sup>99</sup>

### IV. THE DIVINE ATTRIBUTES

#### 1. The Basic Traditionalist Doctrine

The basic Traditionalist doctrine on the divine attributes is that God alone has full knowledge of Himself, and that reason unaided is incapable of knowing Him, just as it is incapable of determining religious obligations with respect to good and evil. To deny the *akhbār*, i.e. the Qur'anic verses and the Prophetic Traditions on the divine attributes, is to deny the very laws of Islam (*sharā'i'*).<sup>100</sup> This position remained that of the Traditionalists on the divine attributes; it is stated in the *Wāsiyya* of Ibn Taimiya:

To know God is first of all to believe in the description which God gave of Himself in His Book, and in the description that His Apostle Muhammad gave of Him, without distortion or negation, without asking how, and without comparison. God knows Himself better than anyone else and, better than anyone else, He knows that which is not He. He is sincerer in His words and finer in His discourse than any of His creatures. His apostles were truthful and were considered as such, contrary to those who charge God with things concerning which they are ignorant.<sup>101</sup>

In fact, this doctrine on the divine attributes goes as far back as the second/eighth century of Islam, where it is clearly stated in Shafi'i's Introduction to his *Risāla*.<sup>102</sup>

## 2. Divisions of the Traditional Divine Attributes

Yusuf Ibn 'Abd al-Hadi (d. 909/1503) has preserved, in his *Tuhfa*, a number of passages from Ibn 'Aqil's lost *Irshād* on theology. It is here that we are afforded a better conception of Ibn 'Aqil's doctrine regarding the Traditional attributes. Ibn 'Abd al-Hadi cites Ibn 'Aqil's divisions of these attributes, usually called *akhbār as-sifāt*, or *as-sifāt al-khabariya*, and his doctrine regarding metaphorical interpretation (*ta'wil*):

Traditions on the divine attributes fall into three divisions: (1) those of which the authenticity is asserted with certainty; they may legally be acknowledged, including their prescriptions; (2) those of which the authenticity has not been asserted with certainty, nor has it been rejected; and (3) those of which the apocryphal character has been established with certainty; these may not legally be followed in their prescriptions. The Traditions on the divine attributes may further be divided into two parts: (1) those of which the metaphorical interpretation is obligatory; and (2) those whose metaphorical interpretation is illicit. What should be interpreted metaphorically is the Tradition, 'The Black Stone is the Right Hand of God on earth'; and the Tradition, 'The wind is part of God's spirit'. It is foolish and licentious to venture upon the metaphorical interpretation of all the divine attributes that have come down in the Traditions and the Qur'anic verses, without sound proof for their validity. All the obscure passages in the Qur'an, the explanation of which is strange, have for God meanings which He alone knows; He has obligated His creatures to give their consent to them. Just as God has obligated them to know the Qur'anic verses of which the meanings are clear, He has obligated them also to believe those verses of which the meanings are obscure.<sup>103</sup>

We have already seen, in Part One above, that the Shafi'i Traditionalists, Dhahabi and Ibn Kathir, and the Hanbali Ibn Rajab, believe that Ibn 'Aqil was influenced by Mu'tazilism, especially in his use of metaphorical interpretation regarding the traditional divine attributes; and that this was also the belief of Ibn Taimiya who, however, revised his opinion, stating that Ibn 'Aqil ended by adhering to pure Sunni orthodoxy.

## 3. *Imrār*, *Balkafa*, and *Ta'wil*

The Traditional attributes have brought the Traditionalists to practise *imrār* and *balkafa*, in their efforts to avoid the use of *ta'wil*, and to escape the stigma of anthropomorphism. The term *balkafa* was coined from *bilā kaif*, 'without (asking) how'; and the term *imrār* from *tumarru kamā jā'at*, 'they (the Traditional attributes) are to be passed on just as they have come down', i.e. the passages in question are transmitted to posterity exactly as received in Scripture, intact, without metaphorical interpretation. *Balkafa*

and *imrār* were adopted to avoid interpreting certain passages of Scripture in the literal sense, and thereby falling into anthropomorphism. They were preferred to metaphorical interpretation (*ta'wil*), for only God knows what those passages mean. *Balkafa* and *imrār* are warnings not to touch – *noli me tangere* – not to meddle in matters inaccessible to human reason. That this attitude dominated the thought of Ibn 'Aqil, in the latter part of his life, is made clear in passages of his intellectual journal-memoir, the *Funūn*. He reports part of a disputation that took place in his presence, between a Mu'tazili and a Sunni:

There occurred a disputation regarding the attributes of God – Might and Majesty are His. A Mu'tazili said to a Sunni: 'Since you affirm for God knowledge, power, hearing and sight, do you say that these attributes exist in parts of His essence as they do in our case?' The Sunni answered without hesitation: 'No; but I say that all His essence is powerful, knowing, hearing and seeing.' A Hanbali [i.e. Ibn 'Aqil] said to them: 'Discourse is difficult regarding God and His attributes. There occurred in your discourse the word "all", and God cannot be described with the word "all", just as He cannot be described with the word "some". Nor may His essence be described as having parts. These words are, all of them, dangerous (to use in describing God).'<sup>104</sup>

God alone knows His attributes; and they can be known only through Him.

According to Ibn Rajab, Ibn 'Aqil was himself a partisan of the *ta'wil* of the Mu'tazilis regarding the divine attributes:

Now and again there would appear in his behaviour certain signs of deviation from the norms sanctioned by the Sunna, as well as metaphorical interpretations of some of the divine attributes; and some of this behaviour remained with him to the day he died.<sup>105</sup>

In the passages just cited, however, we have seen that Ibn 'Aqil is not alone among Hanbalis to have made use of metaphorical interpretation, in order to avoid the sin of anthropomorphism; and he is careful to restrict *ta'wil* to certain Traditional attributes. Yusuf b. 'Abd al-Hadi cites this passage from Ibn 'Aqil's *Irshād*:

Umm at-Tufail, the wife of Ubaiy b. Ka'b [d. 21/642], reported that she heard the Prophet relate seeing his Lord in a dream in the form of a young man, whom she proceeded to describe. Ibn 'Aqil said that if this *hadīth* is true, it should be interpreted so as to have the form relate to the Prophet, meaning: 'I have seen my Lord when I was a young man.' Ibn al-Jauzi concluded in a similar way, and cited another Tradition affirming it. But a group of companions reported the *hadīth* without interpretation. Someone asked Ibn Hanbal if he could report the *hadīth* of Ibn 'Abbas [d. 68/687]; Companion of the Prophet, famous for his great learning), in which the Prophet is said

to have seen his Lord with short curly hair, and Ahmad is said to have told him to report it, since the religious intellectuals have reported it. On this, Ibn 'Aqil said: 'I treat these two Traditions in the same way; in that Ibn Hanbal permitted him to report them interpreted metaphorically, not unqualifiedly, so that the form and the short curly hair are related to Muhammad, not to his Lord.' Yusuf b. 'Abd al-Hadi said that the majority of Hanbalis have differed with Ibn 'Aqil in this regard.<sup>106</sup>

Their differing from him was no doubt due to his use of metaphorical interpretation, which he did to avoid anthropomorphism.

Regarding this *hadith*, Ibn al-Jauzi quotes Ibn 'Aqil as stating that the *hadith* in question was declared apocryphal; that the trustworthiness of the relators is doubtful when the text of the *hadith* is absurd; that such a *hadith* is like that related by trustworthy reporters that a camel passed through the eye of a needle. Ibn 'Aqil concludes that there can be no judgement in favour of the truthfulness of the reporters, considering the absurdity of their report.<sup>107</sup> He does not hesitate to declare a *hadith* such as this one apocryphal, in spite of the fact that a majority of his companions let it pass intact; it is audacity such as this which accounts for Ibn Rajab's criticisms of Ibn 'Aqil as weak in *hadith*, and prone to using *ta'wil*.<sup>108</sup>

Ibn 'Aqil is against *hadiths* in which the form (*sûra*) of God and the foot (*qadam*) of God are reported, and refutes their literal interpretation on the basis of Qur'anic texts and of reason, in order to avoid anthropomorphism.<sup>109</sup> He is also against comparing God's attributes or acts, such as anger or the satisfaction of one's thirst for revenge, to those of His creatures.<sup>110</sup> He condemns the Salimiya for not resorting to metaphorical interpretation in consonance with proofs from reason and revelation. Thus he professes the doctrine of *ta'wil*, accepting the need to interpret metaphorically those passages of Scripture, from the Qur'an or *hadith*, which, if accepted literally, lead to anthropomorphism. But what he accepts is, as he affirms, the *ta'wil* that conforms with the proofs of reason and revelation (*at-ta'wil al-mutâbiq li-adillat ash-shar' wa 'l-'aql*).<sup>111</sup> Just as he restricts the scope of *kalam* for a specific purpose, he also restricts the use of *ta'wil*, for the specific purpose of avoiding anthropomorphism, as long as it conforms with the evidence of authority and reason.

#### 4. Ambivalence and Contradictions

In a passage in which Ibn Taimiya gives a succinct history of al-Ash'ari and the early Ash'aris on the Traditional divine attributes, he draws an interesting comparison between Ash'ari and Ibn 'Aqil:

When al-Ash'ari turned against the Mu'tazilis, he followed Ibn Kullab's [d. 240/854] method, inclining towards the Traditionalists (*Ahl as-Sunna wa 'l-Hadîth*), and associated himself with Ahmad Ibn

Hanbal. He stated this in all of his books, the *Ibâna*, the *Müjiz*, the *Maqâlat*, and others. He mingled with the Traditionalists as a *mutakallim*, occupying the same position as that occupied by Ibn 'Aqil among the later Traditionalists. However, al-Ash'ari and his leading followers follow the principles of *Imâm Ahmad* and other leaders among the Traditionalists, in many of his positions. Among those who follow Ibn 'Aqil are such as Abu 'l-Faraj Ibn al-Jauzi, in many of his books.<sup>112</sup> The early followers of Ahmad Ibn Hanbal, such as Abu Bakr 'Abd al-'Aziz [Ghulam al-Khallal, d. 363/974], Abu 'l-Hasan at-Tamimi, and their likes, cite him [i.e. al-Ash'ari] in their books as one who was generally in agreement with the Sunna, and refer to what he cited as the contradictions of the Mu'tazilis. Between the two Tamimis<sup>113</sup> and Qadi Abu Bakr [i.e. al-Baqillani] and those like him, there was well-known concord and harmony. Qadi Abu Bakr sometimes used to sign his name to his answers to questions [i.e. *fatwas* solicited of him], as follows: 'Muhammad b. at-Taiyib *al-Hanbali*'; he also signed, 'al-Ash'ari'. For this reason, you find the statements of the two Tamimis comparable to his statements and to the statements of others who, like him, were followers of Ibn Kullab. Also, [the Shafi'i] Abu Bakr al-Baihaqi [d. 458/1066] relied on the creed composed by [the Hanbali] Abu 'l-Fadl at-Tamimi [d. 410/1020] in the book which he composed on the excellent qualities of *Imâm Ahmad* when he wanted to cite his creed. This is contrary to Abu Bakr 'Abd al-'Aziz, Abu 'Abd Allah b. Battâ, Abu 'Abd Allah Ibn Hamid, and others like them, for they are opposed to the basic doctrines of followers of Ibn Kullab (*al-Kullabiya*). Al-Ash'ari and the leaders among his partisans, such as Abu 'l-Hasan ['Ali b. Muhammad b. Mahdi] at-Tabari,<sup>114</sup> Abu 'Abd Allah b. Mujahid al-Bahili, Qadi Abu Bakr [al-Baqillani], are agreed on affirming the Traditional divine attributes (*as-sifat al-khabariya*) cited in the Qur'an, such as the sitting firmly on the Throne (*al-istiwâ'*), the face (*al-wajh*), the hand (*al-yad*); and they are agreed on the invalidation of interpreting them metaphorically. Al-Ash'ari does not at all have two opposing views on this; on the contrary, all those of his followers and others who cite the *Maqâlat* state that such is his doctrine.

However, al-Ash'ari's followers have two contradictory views on the Traditional divine attributes. The first well-known follower among them to deny these attributes is Abu 'l-Mâ'ali [Imâm al-Haramain] al-Juwaini; for he denied the traditional attributes, and has two contradictory views regarding their metaphorical interpretation. In *al-Ishâd*<sup>115</sup> he interpreted them, then in *ar-Risâla an-Nizamiya*<sup>116</sup> he went back on his doctrine and prohibited metaphorical interpretation, and made clear the consensus of the Forefathers on the prohibition of metaphorical interpretation, and used that as proof that it is

prohibited, that it is not obligatory or permitted. Thus those who followed his doctrine began to deny the Traditional divine attributes, and have two contradictory views regarding their metaphorical interpretation.<sup>117</sup>

Dealing with the Traditional divine attributes elsewhere in this same work, Ibn Taimiya cites Ibn 'Aqil as being among those religious intellectuals who affirm such attributes as the face and hand of God. Among the Hanbalis cited as holding this view of Ibn 'Aqil are Qadi Abu Ya'la, *Shaykh Abu 'Ali* (Ibn Abi Musa, d. 428/1037), Ibn az-Zaghuni, Abu 'l-(Hasan) Tamimi, members of the latter's family, including his sons Abu 'l-Fadl and Rizq Allah,<sup>118</sup> and others, just as it is the doctrine of the rest of the Traditionalists.<sup>119</sup> Although Ibn Taimiya does not here cite Ibn 'Aqil as having two contradictory doctrines on the subject, it is clear that what he says of him, in the third volume of his *Bayān*, is definitely in contradiction to the doctrine he cites for him in the first volume of that work. This occurs also in the fourth volume, where Ibn Taimiya deals again with the Traditional divine attributes, naming those who state that God is above the Throne, but in spite of that He is incorporeal. He cites the names as follows: al-Ash'ari and many scholars of *kalam*, *hadīth* and law, who belong to the four legal guilds; and Qadi Abu Ya'la, Ibn az-Zaghuni, and Abu 'l-Wafa' Ibn 'Aqil in many of his statements; Abu 'l-Abbas al-Qalanisi, Abu Muhammad b. Kullab, and other groups.<sup>120</sup>

Ibn Taimiya also cites Ghazzali, Ibn 'Aqil and Ibn al-Jauzi as being ambivalent on the question of the divine attributes.<sup>121</sup> This becomes clear in the case of Ibn 'Aqil when one follows Ibn Taimiya's citations of him with respect to the Traditional attributes.<sup>122</sup> However, Ibn Taimiya cites with pride those Hanbalis who use metaphorical interpretation; for in defending Hanbalism against charges of anthropomorphism, he cites the great Hanbalis who were well known for their use of *ta'wil* and for their condemnation of anthropomorphism, among them Ibn 'Aqil.<sup>123</sup> Thus it is clear that much ambivalence surrounds the problem of *ta'wil*. Statements of different thinkers indicate contradiction in the thought of others. Such statements are not easily substantiated, or assigned to a particular period in an intellectual's lifetime, since the chronology of a given author's works is unknown, even by authors not far removed in time from their predecessors.

Dhahabi's notices on Ibn 'Aqil, although sometimes critical of him, generally endeavour to bring out his good points. One of these is on Ibn 'Aqil's view of anthropomorphism as far as laymen are concerned. The passage he quotes has to do with the interpretation of ambiguous Qur'anic verses which could lead to anthropomorphism. Dhahabi quotes Ibn 'Aqil from the lost part of his *Funūn*:

It is best that laymen believe the literal meaning of the Qur'anic verses, because they are at ease with the affirmation of the divine

attributes; when we remove that from their hearts, we also remove their modesty. Thus their rushing into anthropomorphism is preferable to us than their immersing themselves in deanthropomorphism, because anthropomorphism immerses them in the affirmation of the divine attributes, where they experience fear and hope, whereas deanthropomorphism plunges them into negation, where there is neither desire nor fear. He who has pondered the revealed law sees that it immerses them in anthropomorphism with words, the literalness of which gives no other meaning. As, for instance, when the bedouin asked the Prophet, 'Does our Lord really laugh?' and he answered, 'Yes, indeed!' without being affected with sullenness for what he said, and simply leaving the bedouin with his thought.<sup>124</sup>

Dhahabi goes on to make the following comment in favour of affirmation:

The literal in our day has become two literals: one of them is true, and the other false. The true is to say: God is hearing and seeing, willing and speaking, living and knowing; all things shall perish except His Face; He created Adam with His Hand; He truly spoke to Moses, took Abraham as a friend, and so on. We thus pass on the attributes as they have come down, and we understand from them the meaning of the divine apostrophe as befits Him, the Exalted; and we do not say that it has a metaphorical interpretation which is opposed to that. The other literal, which is the false one, and which leads astray, is that you believe in the analogical reasoning that compares the unknown to the known, comparing the Creator to His creation – Exalted is He above all that! On the contrary, His attributes are like His essence! Thus He has no equal, no contrary, no match, no like, no similar; not a thing is like Him, either in His essence, or in His attributes. This is a matter regarding which jurisconsults and laymen are on the same footing. But God alone is All-Knowing.<sup>124</sup>

## 5. Hanbali Ambivalence on the Verse of the Throne

*Istiwa'*. In his *Mu'tamad*, Qadi Abu Ya'la makes this statement:

God has described Himself as 'firmly established on the Throne' [Qur.20:5; 13:2]. It is a matter of obligation to apply this attribute without metaphorical interpretation, as meaning the firm establishment of the divine essence on the Throne, not in the sense of sitting and contact, nor in the sense of height and elevation, nor in the sense of conquest and victory; contrary to what the Mu'tazilis have stated to this effect; and contrary to the Ash'aris who say that it means elevation by way of rank, position, majesty, and power; and contrary to the Karramiya and anthropomorphists that it means contact with the Throne by sitting on it. It is unlawful to understand it as sitting and

contact, because no law has been revealed to that effect. It is inconceivable that it be in the sense of conquest, for conquest means vanquishing and overpowering, whereas God from pre-eternity has not ceased to have power over the Throne and all things. He who has that attribute cannot be described as having established Himself on the Throne; nor is it conceivable as meaning dominion, because He has not ceased to be described as having dominion from pre-eternity; nor can it conceivably mean ascension through power and position, for He has not ceased from pre-eternity to be above all things. It is inconceivable that the statement 'firm establishment' mean that all that is in the heavens and on earth became His own, for that would mean that things do not become His own through His power except after their coming into existence, and that would be blasphemy. It only remains that this attribute be understood in the absolute, free of qualification, as we did in the case of the attributes of hand, face, and eye.

It is valid and necessary that these attributes be understood in the absolute, without qualification, because of what was related on the authority of Umm Salma, wife of the Prophet, regarding God's statement, 'The Most Gracious is firmly established on the Throne' [Qur.22:5]. She said: 'The 'how' cannot be conceived; the firm establishment is not unknown; professing it is an act of faith; denying it is an act of disbelief. The firm establishment is one of the attributes of the divine essence, by which He is described from pre-eternity.' This statement is analogous to the doctrine of the Companions, who have said of God that He is the Creator, the Provider, He Who brings back to life, He Who causes death – attributes which are His from pre-eternity.<sup>125</sup>

Ibn 'Aqil upheld the use of *ta'wil*, as did Abu Ya'la before him, and his own disciples after him: Ibn az-Zaghuni and Sadaqa b. al-Husain; so also Ibn al-Jauzi, greatly influenced by Ibn 'Aqil. As previously mentioned, Ibn 'Aqil accepts that *ta'wil* which conforms with the evidence of reason and revelation (*at-ta'wil al-mutabiq li-adillat ash-shar' wa l-'aql*).<sup>126</sup> But the preponderant doctrine held by the Hanbalis generally is that of *balkafa*. It was that of their leader, Ahmad b. Hanbal, as earlier it was that of Shafi'i. The Hanbali Barbahari drew attention to the danger of going deeply into the study of the divinity: 'Reflect on God's creation (*khalq*), but do not reflect on God; for such reflection gives rise to doubt in the heart'.<sup>127</sup>

On the Traditional attribute of the Throne (*al-istiwa' 'ala l-'arsh*), Ibn 'Abd al-Hadi cites some disagreement among the Hanbalis:

'Our companions are not in disagreement regarding God's firm establishment on the Throne, but they do disagree on its manner.' Ibn Hamid said: 'The firm establishment is in the sense of contact (*mumassa*), and He is sitting on the Throne.' This is also the doctrine of 'Abd al-Wahhab al-Warraq [d. 476/1083]; it is also the doctrine

cited by Qadi Abu Ya'la as that of Ibn Hamid. Abu 'l-Hasan at-Tamimi said: 'The firm establishment is not in the sense of contact with the Throne, nor in the sense of being separated from it.' Qadi Abu Ya'la said: 'This statement is comparable to that of Ahmad (Ibn Hanbal).' It is also the doctrine chosen by Ibn 'Aqil, who said: 'Tamimi's doctrine is the most similar to our guild's doctrine and to Ahmad's, whereas that of Ibn Hamid is the most distant from that of our guild.'<sup>128</sup>

Ahmad b. Hanbal is reported by his son, Hanbal, as saying: 'We believe that God is on His Throne, how He wishes and as He wishes, without definition; and the attributes of the divine essence are not included under His will.' This may be understood to mean that God's firm establishment on His Throne does not come under the attributes of the essence, nor under the attributes of the act; so also the descent of God to the heaven closest to the earth, and God's placing His foot in Hell,<sup>129</sup> and the laying bare of the shin' [Qur.68:42].

Reports on the authority of Ahmad (Ibn Hanbal) have differed. There are two reports on 'whether God is firmly established on His Throne with a limit or not?' The first report is that it is without a limit; it was the doctrine chosen by Abu 'l-Hasan at-Tamimi. The second report is that it is with a limit; this doctrine was chosen by Abu 'l-'Abbas. Ahmad was asked: 'Is our Lord on the Throne with a limit?' He answered: 'That is the case, in our opinion.' Ibn 'Aqil said: 'I asked our professor, Abu Muhammad at-Tamimi, "How is this report to be understood?" He answered, "The 'limit' refers to the Throne, not to the divine essence."'<sup>130</sup>

Qadi Abu Ya'la the Younger [d. 560/1165] said: 'He meant to show that the Throne, in spite of its greatness, is limited; and that is correct. Thus it is known that, as regards the report of the absence of limit, there is nothing to be said. But as regards the report of the existence of a limit, it may be asked whether the limit refers to the Throne, the preferred doctrine of Qadi Abu Ya'la and Ibn 'Aqil; or to the firm establishment, as chosen by some of our companions; or to God – Might and Majesty are His – as chosen by Abu 'l-Hasan al-Jazari<sup>131</sup> which is manifestly the doctrine chosen by Abu 'l-'Abbas;<sup>132</sup> or does the limit refer both to God as well as to the Throne? Ibn 'Aqil said: 'God has no need for places, or reliance on anything but Himself. Therefore, whoever believes the Throne supports Him is an unbeliever.'<sup>133</sup> This ends the passage on the throne in *Tuhfa*.<sup>134</sup>

*Nuzūl*. Our companions agree that God descends to the heaven closest to earth, but they differ on its modality. Abu 'Abd Allah Ibn Hamid said: 'The descent is one of translocation; this is the doctrine followed by the generality of the moderns (among our companions).'

Regarding Ibn Hamid's doctrine, Ibn 'Aqil said: 'This is the statement of a pious man who has no knowledge of what may be said of

the Eternal, or what may be applied of this statement to God; had he known what this statement entails, he would not have affirmed it.' Abu 'Abd Allah Ibn Batta and a group of our companions have said: 'It is not to be understood in the sense of translocation. This statement was confirmed as sound by Ibn 'Aqil; he chose it and made it the explicit statement of Ahmad (Ibn Hanbal) in the report of Hanbal, who reported asking his father: 'Does God descend to the heaven closest to Earth?' His father answered: 'Yes.' (Hanbal) asked: 'Is His descent with His knowledge, or with what?' He answered: 'Pass over this in silence.' And he became terribly angry and said: 'Narrate the Tradition as it was received.' Ibn 'Aqil remarked: 'This, coming from Ahmad, calls for professing the doctrine of the descent; it is the word received from the revealed law, and silence should be kept regarding its import.'

This doctrine of Ibn Hamid regarding the sitting on the Throne and the descent to the heaven closest to Earth is not valid; that of Ibn 'Aqil is valid. Ibn Hamid cited a group of our companions as saying: 'God's descent means that of His power,' and they attributed this to the manifest statement of Ahmad. Ibn Hamid cited also a group of our companions who said: 'A descent was asserted, the meaning of which is not understood, whether it be with translocation or without translocation.' This is what was chosen by Ibn Batta and Ibn 'Aqil. Qadi Abu Ya'la said: 'This method is that of our guild; Ahmad made it explicit in a number of places.'<sup>135</sup>

According to Saffarini (d. 1188/1774), Ibn 'Aqil said: 'It is not a descent, nor a translocation, as in the case of our own descending.' And Ibn 'Aqil, and other leading religious intellectuals, declared guilty of error anyone who said: 'God's descent is with motion and translocation.'<sup>136</sup>

The upshot of these discussions on *istiwa'* and *nuzūl* is that the Hanbalis accept the Traditional divine attributes but resist any statement regarding their interpretation that would lead to anthropomorphism, and point out the errors of their colleagues in this regard, as in the case of Ibn Hamid.

## 6. Divine Existence

Proofs for the existence of God, based on the wonders of creation, are found in Ibn 'Aqil's *Funūn*: 'The mute minerals and plants give eloquent testimony of craftsmanship for the existence of the Artisan, and of wisdom in His creation, for the existence of the Creator.'<sup>137</sup> He cites Qur'anic verses to this effect: 'Travel through the Earth and see how God did originate creation' [Qur.83:29; 19:20]. With a rhetorical device he frequently uses, Ibn 'Aqil has God apostrophising man in a lengthy passage, of which this is the beginning: 'O you who speak of Me with proofs! Consider My effects, and verify your reasoning in My works and My perfections, "So turn thy

vision again: seest thou any flaw?" [Qur.67:3]; "Again turn thy vision a second time ... " [Qur.67:4].<sup>138</sup>

Ibn Taimiya considers Ibn 'Aqil to be among the reflective reasoners who belong to the People of the Sunna. On the question of whether the non-existence of the possible requires a cause or not, Ibn Taimiya says that Ibn Sina (Avicenna, d. 428/1037) requires it, but that 'the well-known reflective reasoners of the Sunna', such as Qadi Abu Bakr (al-Baqillani), Abu 'l-Ma'ali (al-Juwaini), Qadi Abu Ya'la, Ibn 'Aqil, and (Fakhr ad-Din) ar-Razi (d. 606/1209) in the last of his two contradictory doctrines, say the non-existent needs no cause.<sup>139</sup> It should be noted, in passing, that Ibn Taimiya frequently cites Ibn 'Aqil with Qadi Abu Ya'la, his Professor of Law, as scholars of *kalām*, and as reflective reasoners (*nāzir*) of Islam. In the present case, he cites them in agreement with Ash'ari theologians of *kalām*, in their mutual opposition to the philosophers (*the falāsifa*). After Abu Ya'la and Ibn 'Aqil, *kalām* was accepted by Hanbali religious intellectuals for use in apologetics, generally against non-Traditionalists.

But Ibn 'Aqil has serious reasons for opposing al-Ash'ari in some of his doctrines. Attributing the following statement to an *uṣūlī*, by which he means himself, he writes:

Al-Ash'ari has not left for himself any proof for the existence of the Maker, nor any proof for the validity of the divine laws. The existence of God is based on the need of a contingent for the 'Contingentor'. According to Ash'ari, there is no one, in the visible order, who can erect a building, or make a cabinet, or anything else. Now, the validity of the prophetic mission is based on faith in the miraculous. The reason for this faith is that God causes the miraculous to be proof only at the hands of someone who is truthful and does not tell lies about Him. Ash'ari left for himself no faith in the message, since he said, 'Nothing proceeding from God can be considered evil, whether it be deception or impeding knowledge of the validity of the prophetic mission.' This is not far from permitting the confirmation of a lie with respect to the miracle, because that is nothing more than deception.<sup>140</sup>

Again we see that the main thrust of Ibn 'Aqil's *uṣūl ad-dīn* is to prove God's existence and the authenticity of the prophetic mission; because, without such proofs, there can be no validity assigned to the revealed laws. By saying that Ash'ari has not left for himself proof of the Creator's existence, nor proof of the validity of the revealed law, Ibn 'Aqil is indicating that his own *uṣūl ad-dīn*, in this regard, is different from that of al-Ash'ari. We have already seen that, for Ibn 'Aqil, *uṣūl ad-dīn* has the basic function of supplying proof for the validity of the revealed laws. In this sense, *uṣūl ad-dīn* must come first, before *uṣūl al-fiqh*, in order to authenticate the Qur'an and the Sunna, which latter authenticates the consensus. When al-Ash'ari admits the possibility of deception by God, and of His impeding knowledge of the

validity of the prophetic mission, he in fact is saying that God can lie to us and that would not be evil. This gives rise to doubt regarding the prophetic mission, and undermines belief in the revelation.

### 7. Divine Knowledge

Ibn 'Aqil presents proofs from revelation that God's knowledge embraces the particular as well as the universal, not, as the Ash'ari al-Juwaini would have it, the universals only. Pointing out that al-Juwaini was going against the explicit texts of the Qur'an, he cites the following verses: 'Not a leaf doth fall but with His knowledge: there is not a grain in the dark depths of the earth, nor anything fresh or dry (green or withered), but is inscribed in a record clear (to those who can read)' [Qur.6:59]. 'God knoweth what is in your hearts' [Qur.2:235]. 'And He knoweth what is in the wombs' [Qur.31:34]. 'He knoweth what is secret and what is yet more hidden' [Qur.20:7]. 'And He hath full knowledge of all things' [Qur.6:101].<sup>141</sup> That God knows the particular is also the thesis of Qadi Abu Ya'la.<sup>142</sup> Ibn Taimiya reports that the Mu'tazili, Abu 'l-Husain al-Basri, maintains that God knows future events, that His knowledge of them is renewed when they come into existence, and that Ibn 'Aqil and Fakhr ad-Din ar-Razi agree with him. Ibn Taimiya adds that this doctrine conforms to the doctrine of those who affirm the thesis of the subsistence of accidents in God;<sup>143</sup> but such a doctrine would be inconsistent with what is known of Ibn 'Aqil.

There is a passage in the *Funūn* wherein Ibn 'Aqil reports a disputation, in which he took part, on whether God knows His acts and creations to be perfect. The adversary cited four objections: (1) it is possible for a person who is not a calligrapher to produce perfect handwriting; (2) perfect acts may proceed from that which has no wisdom, for example the bee, the ant, and the magpie, whose nest has two means of access; (3) God is capable of either performing a failed act, or of performing only a perfect, not imperfect act; if the latter, then He is constrained, or it is in His nature to perform only such acts; if the former, then He has produced an imperfect act, although He is knowing; (4) in existence there are acts that are not perfect: does not the failed act indicate ignorance, lack of knowledge?

To these objections, Ibn 'Aqil gives answers in support of God's knowledge of His acts, citing in one case a Qur'anic verse. Here are his answers: (1) We do not uphold the doctrine of perfection on the part of man, for we affirm that the acts of man are created in him. The fact that a perfect act may be produced without intent is one of our proofs that human acts are created by God. (2) As for acts proceeding from insects and beasts, they are produced by God's inspiration, for He is the Wise, the Knowing, and such acts come only from Him. Witness His statement, 'And thy Lord inspired the Bee (to build its cells in hills, on trees, and in [men's] habitations)' [Qur.16:68]. (3) As regards your question whether that from which a per-

fect act proceeds is (indeed) incapable of an imperfect act, to this we say: certainly not; on the contrary, God is capable of performing an unintelligent act, but when He does, it does not proceed from Him because of ignorance nor of lack of knowledge or wisdom; rather, He intended it to be a perfect act, even if its form is considered unintelligent by way of sense knowledge. For instance, the illness that occurs in a healthy body, the disfigurement which is the opposite of embellishment, (which He causes) either as a test so that He may compensate for it with eternal happiness, or to use it in order to teach its opposite, namely perfection, and to cause mankind to know the extent of His bounty with perfection and precision. Were He incapable of performing an unintelligent act, the underlying rationale would not have come to light – namely the wisdom of preventing its opposite. (4) The existence of the unintelligent act, that which indicates the opposite of knowledge, is not devoid of a perfect, precise reason; for instance, an advantage which goes beyond that in this world, such as esteem, election, manifest blessings, gratitude for well-being in the case of someone secure from disparity in bodily proportions or the loss of limbs; as happens in the practice of medicine, when part of the human body is removed in order to secure the well-being of the whole.<sup>144</sup>

### 8. Divine Speech

The divine attribute of speech is of particular importance to the Traditionists in general, who suffered as victims of the Miḥna (Inquisition) for clinging tenaciously to their doctrine regarding the Qur'an as the uncreated speech of God. Ibn 'Aqil reports a disputation between a Mu'tazili and an Ash'ari on the question of divine speech. They both agreed that God has the attribute of speech, it being that this attribute belongs also to the perfection of God, Who is living, powerful, and knowing. The Mu'tazili simply brought out some points of difference between the attribute of speech as applied to men and to God, such as the fact that humans are corporeal and have corporeal instruments of speech allowing them to express what is on their minds, whereas God can produce the same effects in His own inscrutable way. The Mu'tazili made an allusion to al-Ash'ari's doctrine by stating that speech, by reason of its *bringing out and manifesting that which is in the mind*, is like a sign given with the hand, or a wink of the eye, or a line of writing. Ibn 'Aqil ends his report of the disputation by stating that the Mu'tazili did not go into Ash'ari's doctrine regarding divine speech. According to Ash'ari, divine speech *subsists in the mind*, in which case it does not fulfil the object of the speaker, which is *to express that which is in the mind*.<sup>145</sup>

The thrust of Ibn 'Aqil's thought in theology is directed first and foremost towards the authentication of the Qur'an as the eternal Word of God, as evidenced in his doctrine regarding the divine attribute of speech, brought out clearly in passages quoted by subsequent authors. The following

disputation in his *Funūn* has to do with *al-harf wa ḥ-sāui* ('the letter and the sound'). This theological question is one that is debated not only between Hanbalis and Ash'aris, but also within the Hanbali guild itself. The following debate is between Ibn 'Aqil and a fellow-Hanbali.

The Hanbali: '(The recitation) is the sound.' Ibn 'Aqil: 'Is it the sound of the human being?' 'Yes.' 'Then it must be the same as that heard by the prophets. One of them says, "like the thunder that does not reiterate"; another says, "like bolts of lightning"; and another, "like the dragging of a chain (on a rock)"; and our Prophet says, "I hear it sometimes like the sound of a bell." So when we hear the voice of the reciter in a way other than this, and with a quality other than this, we know that the latter is not the former.' [Ibn 'Aqil continues:] 'Do you dare say, on hearing the recitation of the reciter, "this is God's voice, not the voice of the reciter?" If you say "yes," and stand firm, I will solicit the *fatwās* of the jurisconsults; you will but find them unanimous in declaring you wrong. And you are not such as to have your opinion taken into consideration as constituting dissent capable of invalidating their consensus, nor are you a jurisconsult so that consensus would be in need of your agreement.'<sup>146</sup>

It is clear, in this text, that Ibn 'Aqil does not maintain the opinion that the voice of the reciter is the voice of God, or that the reciter's voice, in his recitation of the Qur'an, is eternal, rather than adventitious. He does maintain that the words are God's, and the voice that of the reciter.

On the question as to whether the reciter's pronunciation of the Qur'an is created or uncreated, Ibn 'Aqil says that his pronunciation does not affect the essential nature of the Qur'an, i.e. it remains uncreated.<sup>147</sup> Ibn 'Abd al-Hadi cites him elsewhere on the Qur'an as follows:

The Qur'an, in whichever way heard, and from whomever it is heard, is the Qur'an. With respect to the Qur'an, man has neither acquisition, nor act, nor production, nor origination, nor any attachment. On the contrary, it is the speech of God that is heard, and God is the One being listened to; the movement of the speaking apparatus, the opening of the mouth and its closing, the audibility of the tongue, the throat, and the larynx are not the Qur'an. Only that which is heard and understood is the Qur'an.<sup>148</sup>

Much discussion took place among Hanbalis on whether the letters, not only of the Qur'an but also of the alphabet, were created or uncreated.<sup>149</sup> Some, in their solicitude to uphold the uncreatedness of the Qur'an, went so far as to maintain all letters to be eternal. The Hanbali Sufi, 'Abd al-Qadir al-Jilani (d. 561/1167), maintained the uncreated character of all letters, whether of the Qur'an or not. He condemned as heretics the Ash'aris and Mu'tazilis who say all letters are created, and censured those

Traditionalists who say those of the Qur'an are uncreated but those of the alphabet are created; among the latter are Ibn Hamid, Ibn 'Aqil, and Abu Ya'la the Younger.

In a chapter dealing with the divine attributes, Ibn Taimiya takes Ibn 'Aqil to task for using Mu'tazili arguments against the Ash'aris; his reason being that the intent of the Mu'tazilis was to prove that the Qur'an was created, whereas the Ash'aris had no such intent. Ibn Taimiya referred to the 'Aqilian treatise as *Mas'ala al-Qur'an* ('The Question of the Qur'an').<sup>150</sup> He goes on to say that Ibn 'Aqil attacked the Ash'aris for their doctrine that the Qur'an is not the speech of God, but only an expression of it. He points out that the intent of the Mu'tazilis was to establish that the Qur'an is created, whereas the Ash'aris are superior to them<sup>151</sup> for denying that the Qur'an is created; their fault is that they fall short of the perfect Sunna.<sup>152</sup>

Ibn Taimiya thus makes a distinction between the error of the Mu'tazilis, who profess that the Qur'an is created, and the Ash'aris, who believe that it is uncreated, their error being that they consider the words of the Qur'an not to be God's but only a metaphorical expression of them. He cites members of the four legal guilds, including among them Ibn 'Aqil, and the Ash'aris, as professing the following doctrine regarding the Qur'an:

If the Qur'an were created, it would follow that God created it (1) either in His essence, or (2) in some other substratum, or (3) subsisting in itself, not in God's essence, nor in another substratum. In the first case, it would be necessary for God to be a substratum for contingents. The second case would require the words to be those of the substratum in which they were created; thus those words would not be the words of God, like all the rest of the attributes when He creates them in a substratum, such as knowledge, life, motion, colour, and so forth. The third case would require that the attribute subsists in itself, and that is impossible. This is the method of the argument relied on, by those mentioned, as regards the question of the Qur'an.<sup>153</sup>

But, as already mentioned, Ibn 'Aqil objects to Ash'ari's doctrine on divine speech as *subsisting* in God's mind; for the function of speech is to *express* that which is in the mind.

This question of the Qur'an is so central to Ibn 'Aqil's theological thought that it deserves as full a treatment as the sources allow. Fortunately, Ibn Taimiya quotes extensively on this problem from Ibn 'Aqil's lost *Irshād*, which helps to show that the direction of his thought is definitely Traditionalist. What follows is an integral translation of the quoted passages from the lost *Irshād*, as well as Ibn Taimiya's thought on the subject as it relates to Ibn 'Aqil. Introducing the discussion with 'Ibn 'Aqil opposed those who professed the doctrine that the Qur'an is created', Ibn Taimiya quotes Ibn 'Aqil from his *Irshād* as follows:

The least that there is in the Qur'an of the signs of contingency is that its speech resembles our speech. But the eternal does not resemble the contingent. It is well known that this cannot be rebutted. For the statement of a father to his son, 'O Yahya! Take hold of the Book with might' [Qur.19:12] resembles God's statement, so that the hearer does not distinguish between the two with respect to his sense (of hearing). When the two statements resemble each other to this extent, how is it possible to claim the eternal character of that which resembles the contingent and fills its place. Nevertheless, if it is possible to claim the eternity of speech in spite of its resemblance<sup>154</sup> to the contingent, it is also possible to claim anthropomorphism in the apparent meanings of the Qur'anic verses and Prophetic Traditions, and there is nothing to prevent that. Therefore, when we and you took refuge in the negation of anthropomorphism, for fear of being invaded by the contingent in the Qur'an, so also is it necessary that you take refuge from professing the eternity of the letters in the presence of the resemblance; so much so that one of your associates says, on the strength of the resemblance he saw between the two, that speech is one and the same, and that the letters are not created. Now, how is it possible to say, with respect to one and the same thing, that it is eternal and contingent?<sup>155</sup>

Ibn Taimiya points out here that, among the Hanbalis mentioned by Ibn 'Aqil, Qadi Ya'qub al-Barzabini wrote as follows regarding the Qur'an:

these letters, in their substance, their attribute, their meaning, and their import, are those in the Book of God, in His names and His attributes; and the Book with its letters is eternal. So also here.

Objection (by Ibn 'Aqil): We concede<sup>156</sup> that the former letters have sacrosanctity and the latter do not.

Response (by Barzabini): On the contrary, they do have sacrosanctity.

Objection: If they are sacrosanct, the menstruating woman and the woman in childbed would necessarily have to be prevented from touching the Qur'an and reading it.

Response: They may not be prevented from reading the Qur'an and touching it and the letters would still be sacrosanct, just as some verse which they are not prevented from reading would still be sacrosanct and it is eternal. They are not prevented from reading and touching the Qur'an, simply because of the need to teach them; just as it is said, with regard to a boy, that it is permissible for him to touch it without being ritually pure, because of the need to teach him.

Objection: When a person takes an oath on the words of the Qur'an, his oath must necessarily be binding; if he violates his oath, he has committed a sin in his oath.

Response: As it is with the letters of the Qur'an, we say the same here.

Objection: Is it not true that when the Qur'an agrees with the letters in these meanings, it indicates that the letters are the same? Do you not see that when a speaker utters a word with the intention of addressing a human being, and it is the same one as that in the Book of God – for instance, 'O David!', 'O Noah!', 'O Yahya!', and so forth – that it agrees with these names in the Book of God, and that in the Book of God it is eternal, and in the speech of the human being it is contingent?

Response: Any speech that is in agreement with the Book of God, in its words, its composition, its letters, is from the Book of God, even if the intent is to address a human being.

Objection: It is therefore necessary that when one uses these names with the intention of addressing a human being while he is performing a ritual prayer, his prayer is not thereby invalidated.

Response: That is our doctrine. We have such a case on the authority of 'Ali, and others. A Khariji called out to him, 'If thou wert to join (gods with God), truly fruitless will be thy work in life, and thou wilt surely be in the ranks of those who lose (all spiritual goods)' [Qur.39:65]. 'Ali then answered him while engaged in the performance of the ritual prayer, 'So patiently persevere: for verily the promise of God is true; nor let those shake thy firmness who have (themselves) no certainty of faith' [Qur.30:60]. We have it on the authority of Ibn Mas'ud ['Abd Allah, d. 32/653] that one of his companions asked permission to enter his house, and Ibn Mas'ud said: 'Enter ye Egypt (all) in safety if it please God' [Qur.12:99].

Objection: Is it not true that if he said, 'O Yahya! Take hold of the Book with might', and intended by it to address a boy named Yahya, the speech would be created, and if he intended by it the Qur'an, his speech would be eternal?

Response: In both cases it would be eternal; because the eternal consists in that which is in existence from pre-eternity, and the contingent consists in that which comes into existence after inexistence. The intention does not make the contingent eternal, nor the eternal contingent. He who would say this has gone to the utmost limit in ignorance and error.

Any thing compared to another thing resembles it in some respects, to the exclusion of others; and it does not resemble it in all its conditions. For if it were like it in all of its conditions, it would be the same as that thing, and none other. Now we have already shown that these letters resemble the letters of the Qur'an; therefore they are other than the letters of the Qur'an.

(Ibn Taimiya:) These are the words of Qadi Ya'qub and those like him, although he is among the greatest of those who have dealt with this question. But since his answers embraced that which contravenes

the explicit text of the Qur'an, and the consensus and reason, he was opposed by Ibn 'Aqil, and other leading doctors of the Hanbali guild, whose knowledge is superior to Qadi Ya'qub's.<sup>157</sup>

Ibn Taimiya then goes on to quote Ibn 'Aqil, answering the objections of those who say that all letters are eternal, as in the case of the Sufi, 'Abd al-Qadir al-Jilani, and Qadi Ya'qub al-Barzabini. Ibn 'Aqil makes a distinction between the existential reality of a Qur'anic word, eternal, and the same word, contingent, when uttered by a human being addressing another; and between the knowledge and power of God and of humans, the former eternal, the latter, contingent.

We do not say that God speaks with words in the manner in which Zaid speaks, in the sense that He says, 'O Yahya!', and when He finishes saying that, He moves on to saying, 'Take hold of the Book with might', these words coming into existence, one after the other, in this sequence. Rather, God speaks those words in a manner which our vocal instruments are incapable of doing. The resemblance you referred to in the speaker's saying, 'O Yahya! Take hold of the Book with might', refers to the resemblance of the recitation to contingent words; as for its resembling the speech subsisting in the divine essence, it does not.

**Objection [anonymous]:** This is not in agreement with the doctrine of your guild. According to you Hanbalis, the recitation is that which is recited, and the reading is that which is read.

**Response [of Ibn 'Aqil]:** Our statement that the recitation is that which is recited does not mean that it consists in these fragmented sounds. We simply mean by it the eternal letters which appear in the contingent sounds, and their appearance in the contingent must needs invest them with the property of fragmentation, because of the succession of breaths taken and the uvular movements; for the instrument that produces them carries the words only in a fragmented manner, but the speech of God subsists in His essence at variance with this fragmentation, beginning, ending, repeating, post-positioning and pre-positioning. He who professes this does not know the definition of the eternal, claims that the contingents are eternal, and that the eternal is fragmented; whereas the fragmentation of the eternal is contingent, and does not subsist in the eternal. He who believes that the speech of God, which subsists in His essence, is commensurate with the recitation of the reciter, with respect to separating, connecting, advancing, retarding, post-positioning, pre-positioning, has compared God to His creatures. For this reason, it has been reported that the Israelites asked Moses, 'How did you hear the speech of God?' and he answered, 'As the thunder that does not reverberate' – meaning, 'that is not interrupted', because of the absence of inter-

mittent breathing, of breaths, of instruments, of lips, and of uvulas. He who says other than this, imagining that God speaks by means of the tongue of the reciter, or that the speech subsisting in His essence has the attributes of separating and connecting, advancing and retarding, has passed judgement on God's being contingent, because the proof of the world's contingency is connection and separation, and because these are the attributes of the vocal instruments.<sup>158</sup>

After saying that Ibn 'Aqil is 'less wrong' than Qadi Ya'qub, and reiterating Ibn 'Aqil's opinion that Qadi Ya'qub's doctrine goes counter to the explicit texts of the Qur'an, to the consensus and to reason, Ibn Taimiya goes on to deal with Ibn 'Aqil's answer to Qadi Ya'qub, stating that Ibn 'Aqil bases his answers on the principles of Ibn Kullab. Ibn 'Aqil and others believe, in agreement with Ibn Kullab and his followers, among them al-Ash'ari,

that God does not speak by virtue of His will and His power, and that, respecting anything that subsists in Him, it is not by virtue of His will and His power, because of the inadmissibility of the subsistence in Him of matters of choice, according to them, for these are contingent, and contingents do not subsist in Him. It is for this reason that they interpret metaphorically the Qur'anic verses contradicting this principle; as, for example, God's statement, 'And say: "Work (righteousness): soon will God observe your work, and His Apostle, and the Believers"' [Qur.9:105]. This requires that God shall see works in the future. Likewise his statement: 'Then We made you heirs in the land after them, to see how ye would behave!' [Qur.10:14]. And: 'Say: "If ye do love God, follow me: God will love you (and forgive you your sins)"' [Qur.3:31]. And: 'It is We who created you and gave you shape; then We bade the angels bow down to Adam' [Qur.7:11]. This requires that God said this to them after creating Adam. Likewise His statement: 'But when he came to the fire, a voice was heard: ("O Moses")' [Qur.20:11], which requires that a voice was heard after he came to it, no voice being heard before that. Likewise His statement: 'Verily, when He intends a thing, His command is, "Be", and it is' [Qur.36:82]. And such verses in the Qur'an are numerous.<sup>159</sup>

Ibn Taimiya goes on to say that this principle was among those disavowed by Ahmad Ibn Hanbal with regard to Ibn Kullab and his followers, even with regard to Muhasibi (d. 243/857), in spite of the latter's high standing; Ahmad also gave instructions that both be ostracised. But Ibn Taimiya defends Muhasibi as being more worthy than all those who followed Ibn Kullab. He then cites Kalabadhi (d. 380/990, or 384) who, in his *at-Ta'arruf li-madhhab at-tasawwuf*, states that Muhasibi retracted his previous doctrine based on that of Ibn Kullab, and professed that God speaks with a voice.<sup>160</sup>

As for Ibn 'Aqil, Ibn Taimiya says that he was ambivalent in the matter of

the Qur'an, at times professing Ibn Kullab's doctrine, at other times professing the doctrine of the Forefathers and the Traditionalists. The latter is namely that voluntary matters subsist in God; that there subsist in Him new visions with the coming of new things which had not existed before; and that there subsists in Him the future knowledge of anything, the knowledge of which had not existed before, as indicated by many Qur'anic verses, such as 'to test those who followed the Apostle (from those who would turn on their heels)' [Qur.2:143].

In the course of one of Ibn 'Aqil's sermons, a speaker in the audience made the following statement: 'If God were to punish the prophets and send the unbelievers into Hellfire, it would be a good deed on His part.' Ibn 'Aqil replied:

My dear man! You have no idea of the flaw in what you say, nor the extent of the heresy it contains. For the Qur'an is God's very words, and because it consists in His words, it is impossible for it to tell lies. The narrative may safeguard the felicity of a specific group and vouchsafe them eternal life in Paradise. To deem lawful the breaking of a promise is to deem deceit lawful. May God's speech be remote from deceit – not the remoteness invoked for One to Whom recourse is made for assistance, but the remoteness of impossibility! Just as it is impossible for His knowledge to be ignorance, His life to be death, His power to be impotence, so also is it impossible for His attribute of speech to be deceit. Just as it is inconceivable that His speech be affected by deceit, so also is it inconceivable that those will be sent to Hellfire whom He said He will send to Paradise.<sup>161</sup>

(Note that this is another instance where Ibn 'Aqil opposes Ash'ari.)

This statement appeared to surprise the audience. They said to him: 'Your words are those of a Qadari, not of a Hanbali.' Ibn 'Aqil answered:

I do not know of *qadar* that which would produce an argument for you in its favour, and stop me from addressing you and blaming you for the neglect of good works. He Who ordained divine foreordination is He Who commanded the prophets to proclaim (the divine message); and He threatens those who neglect it. He said: 'If thou didst not, thou wouldest not have fulfilled (and proclaimed His mission)' [Qur.5:67]. The Prophet said: 'You have neglected useful knowledge which God reined in with a rein of fire.' When he came to speak of foreordination, he said: 'When foreordination is mentioned, hold back', thus indicating that it is not useful knowledge. And when they asked him: 'Are we not to speak?', he answered: 'No; work, give directions to the right course, and multiply your praises of God.' He then recited: 'So he who gives (in charity) and fears (God)' [Qur.92:5], 'and (in all sincerity) testifies to the Best' [Qur.92:6], '(his) abode will be in Paradise' [Qur.79:41].<sup>161</sup>

### 9. Divine Will and Power

Ibn Taimiya, speaking of acts pertaining to the will of God, states that Ibn Kullab affirms the necessary attributes of God, but denies those acts pertaining to God's will (*mashi'a*) and power (*qudra*). In this he was followed by al-Ash'ari, among others. But the Traditionalists, the *Imāms of the Sunna and Hadith*, Ibn Hanbal and others, affirm both kinds of divine attributes; for them, every living person is endowed with the power to move. They oppose the Jahmis who deny the divine attributes. Another group of Traditionalists, *Salafiya*, like Bukhari (d. 256/870), Ibn Khuzaima (d. 311/924), and Ibn 'Abd al-Barr (d. 63/1071), affirm the acts of God, but refuse to admit motion as one of His acts, because it is not found in the Traditions. Hanbalis are divided: some agree with the latter, such as Abu Bakr b. 'Abd al-'Aziz and Ibn Batta; and some agree with the former. A third group of Hanbalis, including the two Tamimis and Ibn 'Aqil, agree with the followers of Ibn Kullab who deny the attributes of the act.<sup>162</sup> Ibn Taimiya does not give a source for Ibn 'Aqil's adherence to the doctrine of the Kullabis.

Ahmad b. Hanbal is reported to have said, '*Qadar* means the power of God.' Ibn Qaiyim al-Jauziya (d. 751/1350), who cites this statement in two of his works, says that Ibn 'Aqil praised him highly for it, saying: 'This shows the subtlety of Ahmad's learning and his profound knowledge of the roots of religion.' Ibn Qaiyim then adds:

It is just as Abu 'l-Wafa' [Ibn 'Aqil] has said: for to deny *qadar* is to deny the Lord's power over the creation of men's actions, the recording of them, and their foreordination. The predecessors of the Qadariya used to deny God's knowledge of them, and they are those whom the consensus of the Forefathers of the Muslim Community has condemned as infidels.<sup>163</sup>

Elsewhere, in reference to this statement of Ahmad, Ibn Qaiyim further quotes Ibn 'Aqil as saying: '(Ahmad b. Hanbal) has gratified our thirst (for knowledge) with this statement and has made clear the true nature of *qadar*'.<sup>164</sup>

Ibn 'Aqil's doctrine on the subject of *qadar* is reported by Ibn 'Abd al-Hadi as follows: 'Man has power to do good and evil; he is not forced to perform the act, nor is he forced to choose it; rather, God is the creator of the power, and man is the agent through that power.'<sup>165</sup> Man is free in the choice of his acts, and free in the performance of them; but he can act only if and when God gives him the power so to do.

Ibn 'Aqil reports the doctrine of a Qadari in a disputation, without giving the adversary's opinion. He simply gives the doctrine of predestination, based on God's foreknowledge of human acts, His omniscience regarding all things that will take place in the future. His omission of the opponent's opinion, and the absence of his own comment on the doctrine of predestination, would seem to point to his own acceptance of it. Here is what the Qadari is reported to have said:

If the divine decree is that which necessitates the doing of what is decreed, with respect to mankind, it is, according to the findings of scholars, the acts of men of which God has foreknowledge. And as he has knowledge of that, He recorded it on the Tablet so as to show His angels His knowledge of the matter before its existence, that they may sing His praises and know the extent of His attributes, and He speaks of it in His Books, the Torah, the Gospels, and the Qur'an. God's speech is an attribute, and among its qualities is truth, and nothing other than truth is possible for Him. And just as He will not empower mankind to act contrary to what He knows, lest it turn to ignorance for Him, nor to act contrary to what He has communicated, because of the impossibility of the communication to result in a lie, so also is it inconceivable that He act contrary to what He knows. And He will not act except in accordance with that which He has communicated. This leads to the fact that no attribute of His becomes complete except through creation, and that His act is confined to His knowledge and what He has communicated. Thus the divine decree determines His acts and the acts of His creatures.<sup>166</sup>

That Ibn 'Aqil's refraining from comment on the above doctrine of predestination may well signify his acquiescence to the Qadari's opinion, finds some justification in his reaction to a statement made by a Mu'tazili, Abu Yusuf al-Qazwini (d. 488/1095). When taken into custody by the Saljuqs for resisting their efforts to confiscate the wealth entrusted to him by the Jahirian Prime Ministerial family, and when told to pray to God, al-Qazwini retorted: 'God has nothing to do with this; this is the doing of the oppressors!' Whereupon, Ibn 'Aqil comments as follows:

If by that he means to uphold the principle of God's justice and deny His injustice [as would a Mu'tazili], he has, in the process, also denied God His power of predestination. Besides, suppose that God had not foreordained this matter, is He not capable of preventing it, warding it off?<sup>167</sup>

It is clear that Ibn 'Aqil believes in predestination, and that he regards its denial as a diminution of divine power, as well as of divine prescience.

## 10. Names of God

Regarding the names of God, Ibn 'Aqil is of the opinion that it is unlawful to name God with any names other than those found in His Book, and those which the Prophet used in naming him.<sup>168</sup> For Ibn 'Aqil,

God is the Eternal Essence, the Creator, the Fashioner. The assertion is simply the act of naming; and the assertion belongs to its asserter. If the word is God's, it is eternal, by virtue of the fact that the eternity of

His word has been established. But if the name is the word of a human being, like the naming of things named, it is contingent, since it is the word of a contingent being. People speak regarding the Name, asking whether it is the thing named, and they confuse the name with the thing named ... The Names, by reason of their being words of God with which He named Himself, are attributes of God. Moreover, regarding the meanings which they convey, they are divided according to three categories. Among the names of the first category are those which are used to express His essence, such as 'essence', 'thing', 'existent'. This category conveys the meaning of the essence itself.<sup>169</sup> This is like their [i.e. the Philosophers'] statement, 'The definition is the thing defined.' Our statement, 'Knowledge consists in knowing the thing known as it is; therefore, knowing the thing known as it is is knowledge.' Also, the animal that speaks articulately, stands upright, laughs and cries is a human being; and, a human being is the animal that speaks articulately, stands upright, laughs and cries. It is not permissible to claim that our saying, 'essence', 'existent', or 'thing', is nothing but an attribute, because he who says, 'The name is an attribute of the thing named', were he to say, 'The essence is an attribute of the essence', would in effect be saying, 'The thing is an attribute of itself'; and were he to say, 'It is other than itself', the thing would be other than itself.

Thus all of these assertions are not true. There only remains that the name referring to the thing itself is the thing, just as the definition of the thing is the thing, and the thing defined is the definition. It is for this reason that they<sup>170</sup> defined the definition by the fact that it is an assertion, a proposition, revealing the true essence of a thing. But the definition of a thing is that of which the essence has been established and of which a nature is composed. It has also been said to be that of which the nature of the thing is composed and the essence of which has been established. Their difference of opinion regarding the definition and the thing defined is analogous to their difference of opinion regarding the name and the thing named, except that the definition is more specifically associated with the thing defined than is the name with the thing named, because it is the definition. This then is the rule applying in the case of the name referring to the essence.

A name in the second category is one indicating an adjective derived from a noun, such as 'knowing', 'powerful', 'living', derived from 'knowledge', 'power', 'life'; or derived from one of His states, according to those who affirm the qualities and the states. This is the name of an attribute, except that 'knowing' is not said to be the same as 'knowledge', contrary to what we said of the first category; because 'knowing' is a name for one qualified by 'knowledge', or one established as being 'knowing'. Thus it is a name for a state of being which

He has, or for an attribute which He has. A name of this category may properly be said to be the name of an attribute of the thing named.

To the third category of names belongs that which is derived from a verb, such as 'Creator' or 'Provider'. This is a name derived from the verb 'to create' or 'to provide'. Ahmad (b. Hanbal) alluded to this in his statement, 'God is God', singling out this name, because it is a name not derived from a verb, nor from an adjective; rather it is a special name.<sup>171</sup>

Further on in his *Funūn*, Ibn 'Aqil reports a dream of the scholar of law and Traditions, Waki' b. al-Jarrah (d. 197/812), saying:

I saw in a dream a man with wings. I asked him, 'Who are you?' 'Malik b. Dinar [d. 131/748]' 'What is the greatest name of God?' 'God.' 'What is the proof of that?' 'God's declaration to Moses, "Verily I am God." Had God had a name greater than this, He would have said, "I Am", and given Himself this name.'<sup>172</sup>

## V. OBLIGATION AND THE PROBLEM OF GOOD AND EVIL

### 1. The Roots of Obligation

Obligation (*taklīf*) is at the very heart of *uṣūl al-fiqh*. It is the main thrust of Ibn 'Aqil's thought, and permeates his writings. God's Law determines man's obligation. Man is obligated to obey God's commands and prohibitions. Reason is the guide to God's Law. Excluded from obligation are those not in full possession of their reason: the minor, the sleeping person, and the demented. All others are obligated – obligated to do good and avoid evil.

Obligation is a matter determined by God; this is the doctrine of Ibn 'Aqil, and it is also that of St Thomas Aquinas. The difference between them is in the route that obligation takes to travel from God to man. With St Thomas, the route is from God and, by way of the nature of things, to man; with Ibn 'Aqil, the route is direct, from God to man, for in Islam there is no concept of natural law. If there is an intermediary between God and man, it is God's Messenger, the Prophet; but his function is to deliver God's message, which he receives through the agency of the Archangel Gabriel, and to the terms of which he himself is obligated.

Islam envisages a society under law, with law achieving its results by imposing moral obligation, not coercive force, except on those who deny God and His unicity. Islamic society is based on authority, rather than on power. Its law is a religious law, not a political law; whence the tension between the religious intellectuals and the governing power. Islamic law is one of moral obligation, an obligation inhering in the will of God; it is a law based on divine voluntarism. The Muslim *mufti*-jurisconsult determines obligation

on the basis of God's will, Whose commands and prohibitions are explicitly stated, or implicitly understood, in His revelations. The source of obligation is in the will of God. Herein lies the difference between *uṣūl al-fiqh* and *kalām*: *uṣūl al-fiqh*, once again, is knowledge and action ('ilm and 'amal), action based on that knowledge; *kalām* is knowledge which does not call for action. *Uṣūl al-fiqh* consists in knowledge calling for action: knowledge, and the obligation to put that knowledge into practice. In contrast, *kalām*-theology is knowledge that has no legitimate reference to obligation.

### 2. Reason and Revelation in Relation to Good and Evil

The determination of good and evil has a direct bearing on obligation. If reason determines good and evil, man has only himself to consider; in which case, he is 'the measure of all things'. Such a doctrine would annul the divine commands and prohibitions, essential subject-matter of *uṣūl al-fiqh*. If, on the other hand, the revealed law determines good and evil, and man disobeys, he must answer to God for his disobedience.

In order to determine what is good and what is evil, the Traditionalist jurisconsult does not resort to philosophy but to the revealed law. That Shafi'i does not deal with the problem in his *Risala* is, to the Traditionalist, of no consequence, for the simple reason that good and evil are determined by God's commands and prohibitions, and these constitute the most important part of works on *uṣūl al-fiqh*. That is good, the doing of which God commands or encourages; that is evil, the doing of which God prohibits or discourages. Shafi'i's *Risala* takes for granted the existence of God, the authenticity of the Sacred Scripture, and the obligation of the believer to obey God's commands and prohibitions.

In contrast to the Traditionalist jurisconsults generally, *Kalam*-theologians give to reason, not to the revealed law, the capacity of determining good and evil. For Ibn 'Aqil and the Traditionalists generally, reason is not the judge but the object of judgement. Where the legal qualifications attached to human acts and to things are concerned, reason must step back and defer to the judgement of the revealed law. All signs of the values attaching to things and all their causes are established by revelation, to the exclusion of reason; this is because reason does not make obligatory any of the legal qualifications of the religious devotions or principles. The legal qualifications are arrived at by the research of the legal scholar, not according to his personal whims but on the basis of the sacred texts.

In Ibn 'Aqil's thought, reason distinguishes between good and evil, but defers to revelation, which alone determines what is good or evil, as regards religious obligation. If, in a given instance, revelation and reason appear to be in contradiction, the circumstances must be considered. For instance, reason tells us that it is evil to kill one's father, but the revealed law, on the basis of a qualification, determines it to be good, as in a war against

apostates. In a certain sense, Ibn 'Aqil believes in the *primacy of reason*, not in the primacy of revelation. This should make him, *prima facie*, a Mu'tazili. But for him, reason comes first only because it has a primary function to perform, regarding the existence of God whose will must be obeyed, and the veracity of His Messenger and the authenticity of the Message. The Qur'an and the Prophet's Sunna must be authenticated, and only reason can perform this function. Once this function has been accomplished, reason falls back to a position of deference to the *primacy of revelation*. Thus it may be said that Ibn 'Aqil believes in two primacies, that of reason and that of revelation, in that sequential order, with the first, after performing its function, becoming subordinate to the second. Natural theology (*uṣūl ad-dīn*) is based on the data of reason, which comes first, with a specific function to perform; reason then subordinates itself to revelation.

Thus (1) reason establishes the truth of God's existence, and therefore the basis for the authenticity of the first material source of the law, the Qur'an; (2) the Qur'an establishes the veracity of the Prophet, and therefore the basis for the authenticity of the second material source of the law, the Sunna; (3) the Sunna then becomes the basis for the authority of consensus (*ijmā'*), the basis of orthodoxy. With its function thus defined and its scope restricted, *uṣūl ad-dīn* defers to *uṣūl al-fiqh*. *Kalām* is excluded from these two theologies; it is, at best, relegated to the function of apologetics; at worst, it is censured as dangerous to the faith.

In the *Wādīh*, Ibn 'Aqil makes some strikingly puzzling statements. He asserts that good and evil are determined by the revealed law, not by reason; because, he says, the *Wādīh* is on *uṣūl al-fiqh*, not on *uṣūl ad-dīn*. He then explains, in substance: if I were writing a book on *uṣūl ad-dīn*, I would show that reason determines good and evil, but I am writing a book on *uṣūl al-fiqh*; therefore, law, the revealed law, determines good and evil. Now this may sound as though Ibn 'Aqil believes in the double truth; i.e. when we deal with one science, *uṣūl ad-dīn*, we have one truth; and when we deal with another science, *uṣūl al-fiqh*, we have another truth, about one and the same thing. However, that is not what he means. He means that a book on *uṣūl ad-dīn* is based on reason alone; its function is to authenticate revelation. To do this, it uses reason which, like revelation, is a gift from God. This God-given instrument has the function of distinguishing between truth and falsehood. In the absence of revelation, not only can reason distinguish between good and evil, it is the only instrument available which can determine good and evil. But once God has spoken, it is His will alone which determines what is good and what is evil: His will alone obligates. When defending the Islamic religion against its adversaries, one must argue on the basis of the opponent's premises, and defeat him by showing that he contradicts his own principles. For reason engages all rational creatures, but religion engages only its adepts. *Uṣūl ad-dīn* makes use of reason alone; *uṣūl al-fiqh* makes use of reason, subordinated to God's will.

Ibn 'Aqil is in effect saying: Now I am writing on *uṣūl al-fiqh*, the material sources of which – the Qur'an and the Sunna – reason affirms as authentic; for once I know, through reason, that God exists, that He has spoken, it would be arbitrary for me to determine the qualifications of human acts and of things according to my personal whims. For Ibn 'Aqil, *uṣūl al-fiqh* ('the roots of law'), could as well be called 'the roots of obligation', for the whole purpose of *uṣūl al-fiqh* is to arrive at the knowledge of man's obligation vis-à-vis his Creator. And this, for the Traditionalist, is *religion, dīn*, a term the basic meaning of which is *obedience*.

A statement of Ibn 'Aqil on the determination of good and evil is found in a disputation.<sup>178</sup> He identifies the two opposing camps: the Traditionalists, whom he defines as 'the People of the Sunna, who are the jurisconsults, and the People of the Prophetic Traditions'; and the Rationalists, who are the *mutakallimūn*. The doctrine of the Traditionalists is that good is what the revealed law considers to be good; and evil, what it considers to be evil. The doctrine of the Rationalists is that 'evil is evil in a way that inheres in itself, and good is good in a way that inheres in itself.' The Traditionalists say that good becomes known when the revealed law permits a thing, commands it, makes it obligatory, urges it as recommendable, praises it, or promises happiness to its doer; for instance, performing the ritual prayer, fasting, alms-giving, and solicitous regard for parents; so also less obvious cases, such as slaughtering animals, and killing fathers in warfare against the apostates. Although reason rejects the last two cases, they are good since the revealed law determines them to be good. On the other hand, when the revealed law forbids a thing, prohibits it, restrains from it, threatens hellfire for it, then it is evil, even if reason does not reject it or declare it evil; for example, usury and flight from marching against the enemy, whether the motive be self-preservation or cowardice. The Rationalists say that they find evil to belong to the essence of a thing. If the thing has a quality which reason censures and disavows, then that thing is evil; for example, oppression, disobedience to parents, ingratitude, corruption and that which leads to it.

Ibn 'Aqil then proceeds to supply the proof from the Qur'an for what he says. He states that 'were it not for the fact that this is not its place I would speak to the problem (of good and evil) at length; I shall, however, treat it as is fitting in a work such as this.' Note that Ibn 'Aqil considers that the problem of good and evil does not properly belong in a work on *uṣūl al-fiqh*. Shafi'i, for instance, did not treat it in his *Risāla*. Its proper place is in a work on *uṣūl ad-dīn*. He nevertheless treats it in his *Wādīh* in so far as it relates to obligation. The implication is that the problem of the determination of good and evil engages both theologies: natural and juridical, the former requiring a more elaborate treatment of it than the latter. Ibn 'Aqil goes on to reason that it cannot be claimed that the determination of good and evil can be known through *necessary* knowledge, or through rational

proofs. Ibn 'Aqil would agree with the Rationalists that reason can determine good and evil, provided that such determination be valid only in the absence of revelation; but with the advent of revelation, it is God's will that prevails over reason.

### 3. Before the Advent of Revelation

The problem regarding things and human acts, before the advent of revelation, is whether they are permitted or prohibited. No legal opinions can be issued, before revelation, either on human acts or on the things that God has created and therefore belong to Him. For the jurisconsult cannot determine, in the absence of revelation, whether partaking of those things is good or evil, nor whether human acts are to be considered good or evil. The jurisconsult uses reason to perform his *ijtihad* in the realm of the revealed law, but before the advent of the revealed law, he has no function to perform. In fact, before the revealed law, there are no jurisconsults, no legal opinions. However, there is reason, God's gift to mankind, with which man can distinguish between good and evil. As 'the fundamental rule of law is liberty', the believer, before revelation, is free to partake of things as he sees fit, and acts come under the determination of reason. Ibn 'Aqil's doctrine, regarding reason in its relation to the revealed law, is that all that involves acts of worship and contracts (*al-'ibādāt wa 'l-uqūd*) comes under the determination of the revealed law, to the exclusion<sup>174</sup> of reason.<sup>175</sup> This embraces the whole area of *fiqh* (positive law), which consists of the relations between man and God, and between man and man, referred to in the books of *fiqh*, as *al-'ibādāt wa 'l-mu'amalat*.

The problem of good and evil comes up in the first folios of Ibn 'Aqil's *Wadih*. Religious intellectuals differ as to whether reason or revelation determines good and evil. The *mutakallimūn* are of the opinion that this determination belongs to reason. The Hanbali, Abu 'l-Hasan at-Tamimi, reportedly adheres to this opinion. But, says Ibn 'Aqil, the doctrine to be relied on is that the revealed law determines good and evil; reason is but the recipient of the determination, not its dispenser.<sup>176</sup> In the previously quoted passage from his *Wadih*, we have seen that he separates acts, the qualifications of which belong to reason, from those, the qualifications of which belong to revelation, and are therefore of legal obligation. Take note of the primacy of reason's function, even as he separates the rational qualifications from those of the revealed law:

Note that the legal qualifications attached to all human acts fall under two categories, without a third: that of reason, and that of revelation. The rational qualifications firmly established for acts are those of which the causes inhere in their essences, either for themselves and the states in which God created them, or for reasons in some way adhering to them. Instances of the former are such as the acts of

moving, resting, willing, knowing, reasoning, and the like; and instances of the latter, such as being decreed, known, perceived, willed, remembered, and other like qualifications applied to acts, because of the attribution of knowledge, will, power or memory to them. Likewise, their qualifications as adventitious, existent, non-existent, and the like, are simply rational judgements, respecting which it is impossible to assert a rational judgement for properties inherent in them and peculiar to their essences, because they are accidents which cannot possibly be the substrata of other accidents – for example, the impossibility of qualifying them as moving, quiescent, living, knowing, willing, and the like.

These qualifications, which we have mentioned, are qualifications of reason, not of revelation. They are attributed to reason in the sense that the acts are known to be qualified through the judgement of reason, apart from revelation. Before the advent of revelation, every act's qualification that we have mentioned, or left unmentioned, as known through this method, was the result of the judgement of reason, not of revelation. *This does not mean that revelation may not come forth with information that these qualifications are as determined by reason, thus corroborating the evidence of reason regarding the qualifications of these acts. What is meant is simply that these qualifications are such that they are known through reason, even if there were no revelation.* In this group of acts are included all acts of humans, those humans subject to the law as well as those who are not, and the acts of all animals, because all these acts are inseparable from the qualifications we mentioned.

The second category of qualifications regarding human acts concerns those known through revelation. These are peculiar to the acts of humans who are subject to the law among the servitors of God, to the exclusion of other acts. Such, for example, is the qualification of an act as good (*hasan*) or evil (*qabīh*), permitted (*mubāh*) or prohibited (*maḥzūr*), one of obedience (*ta'a*) or disobedience (*'isyān*), obligatory (*wājib*) or approved (*nādī*), of ritual obligation (*'ibāda*) or of piety (*qurba*), lawful (*halal*) or forbidden (*harām*), reprehensible (*makrūh*) or recommended (*mustahabb*); and whether the act is a specific discharge of an obligation (*adā'*) or non-specific (*qadā'*), or substitutory (*mujzi'*) or non-substitutory (*ghair mujzi'*), valid (*sahīh*) or invalid (*fāsid*); and whether a contract is valid (*sālih*) or vitiated (*bātil*) or invalid (*fāsid*). All of these qualifications, firmly established for acts of religious obligation, are derived from revelation; and there is no way to establish any of them, or to know them, through the judgement of reason. This, and nothing else, is what is meant by attributing them to revelation. *However, it is impossible for anyone to know these qualifications derived from revelation except through the reflection of reason, and through reason's conclusions as to the authenticity of revelation*

*and the veracity of its source*, while suspending judgement regarding these qualifications coming from one's own initiative or from that of someone better than one. And were it not for the fact that these qualifications came forth on the basis of revelation, there would have been no way for reason to know anything about them ...<sup>176</sup>

There is a long passage in the *Wādīh* where Ibn 'Aqil deals with the problem of good and evil, permission and prohibition, the question being whether these are determined by reason or by revelation. A good part of this passage from the *Wādīh* is quoted in the *Musauwada* in which the grandfather of Ibn Taimiya, his father, and he himself, each in turn contributed their thoughts on *uṣūl al-fiqh*.<sup>177</sup> Ibn 'Aqil indicates that the problem of good and evil has been the subject of much controversy among religious intellectuals. The doctrine of Ahmad b. Hanbal is that reason cannot determine what is good and what is evil, nor can it permit or prohibit. Abu Ya'la adopted two different solutions, based on reports of what Ibn Hanbal had determined in two different cases of positive law: in the one case, reason prohibits; in the other, it permits. The thesis of prohibition was held by the Mu'tazilis of Baghdad, the Imamis, and the Shafi'i, Ibn Abi Hubaira (d. 345/956); that of permission, by the Mu'tazilis of Basra, al-Jubba'i (d. 303/915) and, according to Sarakhsī (d. 439/1047), a group of Hanafis; and that of suspended judgement, by Ash'aris, some Hanbalis, and a group of Shafi'is including Sairafi (d. 330/942) and Abu 'Ali at-Tabari (d. 350/961). Those who suspend judgement, says Ibn 'Aqil, are closer to prohibiting than to permitting; their legal opinions argue against daring to permit things.

Thus Ibn 'Aqil's doctrine regarding good and evil, permission and prohibition, is that reason must bow to the divine commands and prohibitions. Where revelation is silent, reason's obligation is held in suspension until the revealed law speaks. The *mufti* cannot issue *fatwas* in cases where the law is silent. And although reason *can distinguish* between good and evil, it *cannot determine* what may be permitted or what may be prohibited. The implication is clear: the *mufti* cannot issue *fatwas* either way. This leaves the layman free to act either way, on the basis of the principle that the fundamental rule of law is liberty. Only the revealed law can make determinations that bind reason; in the absence of such determinations, reason is free to determine according to its own lights. Ibn 'Aqil, who gives great importance to reason, points out on more than one occasion that both reason and revelation come from the same source, namely, God. When the revealed law speaks, reason listens and obeys; when the revealed law is silent, reason is free to make its own determination.

#### 4. The Imposition of Obligation Beyond Man's Capacity

The concept of obligation permeates the thought of Ibn 'Aqil. Throughout the extant volume of the *Funūn*, it is the subject of his sermons and meditations, showing that it engaged his thoughts up to the last years of his life. When a disputant asserted that both men and animals are subject to the divine commands and prohibitions, that both are legally obligated, and cited Qur'anic verses in support of his assertion, Ibn 'Aqil accused him of 'exuding a scent of metempsychosis', and cited Qur'anic verses to the contrary. Ibn 'Aqil then pointed out that whereas humans are subject to obligation (*taklif*) animals are subject to constraint (*taskhir*). God is the Creator of all things, but only man, among things created, is obligated to obey His commands and prohibitions; animals are compelled, made submissive, constrained. The implication here is evident: man has free will and is called on to obey; he may choose to obey or to disobey. The same is not true of animals, who act by instinct put into them by the Creator.<sup>178</sup>

To the question whether it is proper in reason to impose an obligation on one who is known beforehand to disobey rather than obey, Ibn 'Aqil answers in the affirmative. The reason is that knowledge is a function of the thing to be known, according to which knowledge is attained, not *vice versa*. Knowledge is like a mirror revealing the image of a face: if handsome, it reveals it handsome; if ugly, it reveals it ugly. But handsomeness and ugliness do not occur because of the mirror. It is like the lamp revealing what is in the dark.<sup>179</sup> In another passage, Ibn 'Aqil quotes an opinion of Qadi Abu Zaid ad-Dabusi, which supports his own opinion: 'God's imposition of obligation is a compulsion that does not depend on the wishes of the person obligated, nor on his capacity to perform at the moment of obligation.'<sup>180</sup> And in one of his meditations, Ibn 'Aqil says that

when you look into the realities of obligation, you know that He [i.e. God] charged you with that which is altogether opposed to your natural dispositions ... and that He has prepared for your obedience the most perfect reward and the most ample gift.<sup>181</sup>

#### VI. PROPHETOLOGY

The basic sources of the religion are the Qur'an and the Sunna. The Prophet's importance is due to his role as the carrier of the Qur'an, and to his Sunna, i.e. his own words, deeds, and tacit approvals. It is the Prophet's Sunna that guarantees the validity of the *ijmā'*, the consensus of the Islamic Community, as represented by its duly authorised jurisconsults. These three foundations of Islam's juridical theology – Qur'an, Sunna, and consensus – have their *raison d'être* in the person of the Prophet, whence the importance of prophetology in the thought of Ibn 'Aqil. In the absence of

Ibn 'Aqil's own writings on the subject, the following section on his prophetology is based on excerpts preserved for the most part in Ibn al-Jauzi's work, *al-Wafā*.

### 1. Muhammad the Man

#### *Muhammad's Religion*

Before his prophetic mission, the Prophet Muhammad is believed to have been a faithful Muslim *ab initio*. Ibn 'Aqil is quoted saying that Muhammad 'did not follow any religion except that of Islam, nor was he ever a member of the religion of his pagan people; rather our Prophet was born a believing pious Muslim, as God has written, and what He knows of him.'<sup>182</sup>

Elsewhere, Ibn 'Aqil quotes Ahmad Ibn Hanbal's doctrine, in this regard, namely, that Muhammad worshipped by following all that was authentic in the prophets who preceded him, except what has been established as abrogated. He then supports Ibn Hanbal's teaching by saying that it is indicated in God's statement in the Qur'an: 'Those were the prophets who received God's guidance: copy the guidance they received. Say, "No reward for this do I ask you: this is no less than a message for the nations.'" [Qur.6:90]<sup>183</sup>

#### *His Merit*

Ibn 'Aqil places the Prophet, with respect to merit, above all creation.

Someone asked me, 'Which is the more worthy of merit, the Prophet's room or the Ka'ba?' I answered: 'If you mean the bare room, then I would say the Ka'ba was more worthy of merit. But if you mean the room and he in it, then I would say no, by God!, nor the Throne, nor its bearers, nor the Garden of Eden, nor the celestial bodies! For in the room there is a body which, if put in the balance to be weighed against the Two Worlds, would be of greater weight.'<sup>184</sup>

#### *His Qualities*

The Prophet was a shepherd, like all prophets before him. This is based on a *hadīth* related on the authority of Abu Huraira, 'God has not sent a single prophet who did not tend sheep ... 'Yes, I, too, [i.e. the Prophet] was a shepherd for people in Mecca working for qirats (small coins).'<sup>185</sup> The qualities required of a shepherd are patience, relaxed attitude, gentleness. Ibn 'Aqil: 'Since the shepherd is in need of patience and relaxation in order to be gentle, and since the prophets are intended for the reform of nations, this [i.e. being a shepherd] is fitting with respect to them.'<sup>186</sup>

#### *The Formula of God's Blessing upon Him*

Ibn Taimiya cites Abu Hanifa as being of the opinion that God's blessings could lawfully be invoked in favour of others besides the Prophet, such as the four Rightly-Guided Caliphs. This was also the reported opinion of Ahmad Ibn Hanbal, who related that 'Ali, the son-in-law of the Prophet, had said to Caliph 'Umar: 'God's blessing be upon you!' And this opinion was the choice of most of Ibn Hanbal's followers, such as Qadi Abu Ya'la, Ibn 'Aqil, 'Abd al-Qadir al-Jilani, and others.<sup>187</sup>

#### *The Excellence of His Mosque*

Commenting a statement related on the authority of the Prophet, in reference to the Prophet's mosque, Ibn 'Aqil appears to deplore the additions to mosques, made since the days of the Prophet. The *hadīth* is completed from Bukhari.<sup>188</sup> Ibn 'Aqil is quoted saying: 'The Prophet's statement, "A prayer in my mosque (is worth more than a thousand prayers in any other, except the Sacred Mosque of Mecca)", is an allusion to what a mosque was in his day, not to the additions that have since been made in mosques.'<sup>189</sup>

#### *His Attraction to Women*

Ibn 'Aqil justifies the Prophet regarding the great number of his wives; the excess over what was made lawful for his Community is presented as proof that he did not legislate for himself. Had he been free to do so, he would have devoted himself to the worship of God away from women.<sup>190</sup>

A *hadīth*, on the authority of Anas b. Malik, reports the Prophet saying: 'Of the things of this world, the love of women and perfumes were evoked in me, and prayers were made my joy and delight.' Ibn 'Aqil, feeling that the *hadīth* needs justification, comments that the Prophet said this 'in order to provide a justification and show his innocence from being associated with the love of this world by his own choice.' As to the statement that prayers were made his joy and delight, Ibn 'Aqil comments that it was 'because of the manifestation of marks of adoration in prayers that are not manifested in other forms of worship'. Ibn al-Jauzi, rejecting Ibn 'Aqil's justifications, gives his own: women were made lovable because of the importance of procreation; the wearing of perfumes represents refinement of tastes in the service of truth and meeting people; and prayers were attributed to the world because they are in the world.<sup>191</sup>

## 2. Muhammad the Messenger

### *His Mission*

A *fatwā* issued by Ibn 'Aqil, corroborated by al-Kiya al-Harrasi and Abu Bakr ash-Shashi (d. 507/1114), declared that a Jew had made the following statement before a judge: 'We do not deny that Muhammad was sent to the Arabians.' And when the judge asked him, 'And you admit that he came with the truth?', his answer was, 'Yes.' A *fatwā* issued by a group of jurisconsults stated that the Jew had declared himself a Muslim. The *fatwā* of Ibn 'Aqil, corroborated by other jurisconsults, issued the following statement:

No doubt his statement that the Prophet was sent to the Arabians is the opinion of a sect among them [i.e. among the Jews]; and after this, his statement, 'and I believe that he came with the truth,' refers to what he had acknowledged, namely, that the Prophet came as a Messenger to the Arabians. Therefore, when his statement is understood as having this implication, he cannot be understood as having relinquished his religion through something implied.<sup>192</sup>

But the implication is clear that Ibn 'Aqil, Harrasi, and Shashi did believe that the Prophet's mission was to mankind, in general, not to the Arabians, or to the Muslims, in particular.

### *His Veracity*

God always upheld the veracity of the Prophet; God would not allow any invention of speech in God's name:

The greatest proofs for the veracity of our Prophet is that the Creator – Glory be to Him! – grants respite to liars, then destroys them with punishment. Thus He may grant a respite for a number of years to those who lie about Him, then establish His own revealed law after them. He boldly abrogated two laws before him [i.e. Muhammad], and made lawful the Sabbath. Then he caused his followers to triumph over the nations, and He corroborated his wisdom with the miracle. Far be it from Him to do that [i.e. support the Prophet, if the latter had lied about Him]; for if He were to do it, it would not be possible to distinguish between truth and the absurd. Have you not heard Him say, 'And if the Apostle were to invent any sayings in Our name, We should certainly seize him by his right hand'. [Qur.69:44, 45]. ['And We should certainly then cut off the artery of his heart' [Qur.69: 46]. 'Nor could any of you withhold him from our wrath' [Qur.69: 47]. Thus he who slanders his veracity, slanders the justice and wisdom of God, because the slander applies to the Supporter.<sup>193</sup>

Ibn 'Aqil's firm censure of mendacity would seem to be inspired by the need for veracity in the case of prophethood; for without veracity, the missions of the Prophets would have no grounds to stand on.

### *The Validity of His Mission*

For the best proof of the validity of the Prophet's mission, Ibn 'Aqil refers to the veracity of his claim to prophethood supported by God, the prophetic knowledge of future events, and that his missionary work would spread and would overwhelm all kings:

A proof of the validity of the mission of our Prophet is that he corresponded with Khosroes and Caesar and others, even before his mission was settled with his own people, let alone with the Arabians in general. If he were not compelled to carry out the correspondence by Him in Whose care resided the safety of the outcome, he would not have done so. For the decision to engage in such correspondence never issues from the arbitrary decision of some private individual. Then matters reached a point where the booty gained from Khosroes was divided in the Prophet's Mosque. He used to speak of what he was informed regarding the spread of his missionary work, and of its overwhelming all kings. That is what gave him the audacity to correspond with them all. Is there in the knowledge of future events anything more revealing than this, or more revealing of trust in the One Who sent him? This is what the religious intellectuals should adduce as proof of the Prophet's veracity. How stupid are the minds of those who doubt his prophetic mission, in spite of the radiation of the light rays of his veracity.<sup>194</sup>

### *The Universality of His Mission*

Ibn 'Aqil gives reasons in support of the universality of the mission of the Prophet Muhammad, in contradistinction to the missions of other prophets, the strongest of these being that Muhammad's mission supersedes the missions of those who came before him and that the law of the Prophet abrogated all laws revealed before it:

What if someone should say, 'How could the Prophet say, "I was sent to all of mankind", it being well known that when Moses was sent to the Israelites, if members of other nations had come to him, asking him to pass on to them the message he brought from God, it would not have been lawful for him to keep it secret, but on the contrary it would have been incumbent upon him to divulge it to them; and later, people were caused to perish during the period of Noah surely that could only happen because of the universality of Noah's mission?'<sup>195</sup>

To this question, Ibn 'Aqil replied saying:

The law of our Prophet was revealed in abrogation of all the laws revealed before it. Indeed, there used to come together, in a single period, two or three prophets, each preaching a law revealed to him especially, without any other prophet preaching or abrogating this revealed law. This is in contradistinction to our Prophet, who preached to all mankind and abrogated previous laws. And he said, 'If Moses were still living, he could not but follow me.' Now Jesus could not say this with regard to Moses. As for Noah, there was not in his time a prophet preaching to his own religious community.<sup>195</sup>

#### *Conversion Not by the Sword*

On the argument that the Prophet converted by the sword, Ibn 'Aqil says:

The ignoramuses among the heretics say, 'Muhammad was sent (to convert the world) with the sword'; but that is absurd. On the contrary, he was sent to convert the world with arguments and proofs; and when people refused, they were put to the sword, in the place of God's punishment of bygone nations.<sup>196</sup>

Ibn 'Aqil's argument is that God Himself punished bygone nations; but with the advent of the Prophet, God made it possible for him to do the punishing himself. The proof for this would then be in the Qur'anic verses to that effect.

#### *His Trials*

The trials visited by God on the Prophet give evidence of the Prophet's steadfastness, and his acceptance of God's decrees. The trials are arguments against those who failed to follow the Prophet in the early part of his mission.

There is a *hadith* on the authority of Abu Sa'id al-Khudri (d. 74/693), who said:

We came to the Prophet and found him afflicted with a burning fever, such that the hand could hardly rest on him because of the intensity of the fever. We began to glorify God. The Prophet said, 'No one is more intensely put to the test than the prophets; and just as the trials are pressed upon us, so also the reward is compounded for us.'<sup>197</sup>

Ibn 'Aqil remarked that, if someone should ask, 'What is the reason for intensifying the trials of the great?', the answer would be that God 'entrusted them with jewels He desired to make manifest as arguments against those who failed to follow the Prophet, and as evidence of his patient endurance of God's trials, and his glad acceptance of the divine decrees.'<sup>198</sup>

### 3. The Prophet's Miracles

#### *The Miracle as Sign of Prophethood*

Ibn Taimiya states that a number of members of the Hanbali guild, such as Ibn 'Aqil, Abu Khazim (d. 430/1038, son of Qadi Abu Ya'la b. al-Farra'), Kalwadhani, and others, affirm the prophetic miracles, on the basis that the Lord is wise and, in His wisdom, would not allow the working of a miracle at the hands of a false prophet.<sup>199</sup> The veracity of the Prophet is, for Ibn 'Aqil, one of the cardinal principles in 'the roots of religion', based on the data of reason.

#### *His Miracles*

Ibn 'Aqil deals at length with miracles of the Prophets and makes a distinction between them and the magic of magicians. The magician's act has to be explained as the trick that it is, in order to preserve the authenticity of the prophetic missions. If magic transformed substances, it would be impossible to give credence to the truthfulness of prophets; for magician and prophet would both be capable of performing miracles, and there would be no distinguishing feature between the two. If someone should ask how we can trust our senses when we are told that Jesus was not crucified, and that it was made to appear as a crucifixion, the answer is that God 'withheld the perception of the senses to conform with what it was more proper to preserve, according to the dictates of wisdom, and to render the infidels incapable of carrying out their intentions'.<sup>200</sup>

And if someone asks what point there is in making magic, fortunetelling, and the like, the answer is, 'to preserve the obligation that comes with legal capacity, in order to liberate the miracle from magic, so that he who distinguishes between the two may obtain the reward of his utmost effort'.<sup>201</sup>

The importance of distinguishing between miracle and magic is to preserve the veracity of the Prophet and the authenticity of the message he transmits to the faithful; for the true message obligates, and it must be distinguished from the falsehood of magic.

One of the miracles connected with the Prophet is the 'yearning of the tree branch towards him'. Ibn 'Aqil, sensitive to the sceptic, puts his mind at ease:

There is no need to be surprised by the yearning of the tree branch towards the Prophet, and the coming of the trees to him. For He Who creates in the magnet a property which attracts iron to itself, may create in the Prophet a property attracting things to him.<sup>202</sup>

### *Risk in Foretelling the Future*

Ibn 'Aqil is also concerned about the distinction between prophethood and claims of ability to tell the future. It is risky for a prophet to engage in such activity, because of the risk of losing the confidence of the faithful:

There is a terrible risk in the Prophet's daring to engage in telling about hidden things and the future, because al-Aswad [al-'Ansi, d. 11/632]<sup>203</sup> and Musailima [Abu Thumama al-Wa'ili, d. 12/633]<sup>204</sup> were disgraced by their conjectures, but the matter turned out to be contrary to what they had said. Our Prophet says, 'He shall burn in a blazing fire'. If he had then become a Muslim, that prediction would have been wrong. But the Prophet looked at the consequences, and that is an indication that he had great confidence. Praised be God Who sustained him in his confidence ...<sup>205</sup>

Still, it would seem, Ibn 'Aqil would have prophets limit such predictions to a minimum.

### **4. The Prophet and the Qur'an**

#### *The Qur'an Not Authored by the Prophet*

For Ibn 'Aqil, the essential issue regarding the Qur'an is that the Prophet is not its author. For the matter of the unmatchable character of the Qur'an is first and foremost linked to the Prophet himself, who claims to have received it from the Archangel Gabriel. It is therefore important to remove any doubts as to the Prophet's authorship, by proving that he could not have written it. Ibn 'Aqil makes use of textual and literary criticism in adducing proofs in support of his thesis:

If you wish to know that the Qur'an is not authored by the Prophet but is revealed to him, observe how his speech is distinguished from that of the Qur'an, and notice the difference there is between the two modes of expression and the two literary styles. Now it is a well-known fact that a person's mode of expression is like unto itself, but there is no saying of the Prophet that compares with the Qur'an's manner of expression. Another miraculous characteristic of the Qur'an is that it does not enable anyone to extract a single verse, the idea of which is found in previous speech. Poets have not ceased to point out the borrowings made by some poets from others: for instance, that al-Mutanabbi [d. 354/965] borrowed from the ideas of al-Buhturi [d. 284/897].

'Ali b. 'Isa [d. 334/946], al-Muqtadir's Prime Minister, was asked, 'If this Glorious Book were to be given a title, what title ought it to be given?' He answered, 'It ought to be given one of its verses as its title.' They asked, 'What is the verse that ought to serve as its title?' He re-

plied, 'God's statement, "Here is a Message for mankind: let them take warning therefrom, and let them know that He is no other than One God. Let men of understanding take heed" [Qur.14:52].'<sup>206</sup>

Ibn 'Aqil then remarks:

In my opinion, Ibn 'Isa was not right, because a book is given a title by way of identification, so that one book is not confused with another. Now, if this Book is without equal, an examination of the Book itself will show that no other book can be confused with it; so why give it a title? If it were lawful to give it a title, as is the case with other books, in spite of its distinction and its miraculous character, and the fact that it cannot be confused with another, and in order to know whose words they are and whose authorship it is, as is customary with the identification of books, it would also be lawful to write on the forehead of animals, such as horses and camels, and on those of human beings, 'This is the work of God.' But since this is not proper, for the reason I have shown, the permissibility of the title is invalid. Now, were we to find this Glorious Book lying on a desert floor, without anyone having brought it there, the proof it contains would inform us that it came from God. How much more convincing it is, seeing that it was brought by the protected Prophet, confirmed by the miracles!<sup>207</sup>

Thus Ibn 'Aqil calls on readers to compare the Prophet's mode of expression and his literary style with those of the Qur'an. He would not be deterred by what modern critics have said of the Qur'an as being derived from the Old and New Testaments; his answer would be that God has repeated His messages through the Messengers that He has sent to humanity. Ibn 'Aqil's last statement on the identification of the Qur'an, and of its being as evident as that of God's creation of animals and human beings, would seem to clash with the basic principle for which the *Mihna* (Inquisition) was endured by Ahmad Ibn Hanbal: that is, that the Qur'an is uncreated, i.e. not the work of God, but the word of God, co-eternal with Him. But Ibn 'Aqil's opuscules on the Qur'an are a clear statement of his belief in its uncreated character.

#### *The Prophet's Condition on Receiving the Revelation*

Ibn 'Aqil states that madness was attributed to the Apostle of God only because of the unconsciousness that befell him, and the difficulty he experienced when the Archangel descended upon him. Ibn 'Aqil believes that people

were heedless of the reason behind his external state by passing over the difference between that state and the state of the madman's unconsciousness. For what happened afterwards to him was to show clearly the right course to take, in contradistinction to what follows the madman's unconscious state.<sup>208</sup>

Ibn 'Aqil goes on to say that, if someone were to ask whether the paroxysm which used to befall him, when the revelation was sent down to him, nullified his ritual ablution, the answer would be that it did not, because he was protected in his unconsciousness, and

his eyes slept, but not his heart. Therefore, sleeping, during which the body is free of its own support, did not nullify his ritual ablution. The state in which he was honoured with confidential talk, and his heart inspired with the right guidance, was one in which his constitution would *a fortiori* be safeguarded from harm.<sup>209</sup>

Elsewhere, in another passage, Ibn 'Aqil speaks of the conscious state of the heart while the Prophet sleeps, which explains the validity of the ritual ablution in his case:<sup>210</sup>

Sleep consists of two things: one is the repose of the body, and this is the thing which the Prophet shares with us; the other is the unconscious state of the heart. But his heart was conscious and free of dreams, accepting the revelation during his sleep, reflecting on the welfare of the people as a wide-awake person does. Thus, in sleep, his heart was not unmindful of what was revealed to him; indeed, he used to faint, falling full-length on the ground, when the revelation descended upon him. This is a state, such that if it were to befall a person of his Community, would invalidate his ritual ablution. Yet while in that state, he was guarded against, and safeguarded from, involuntary acts and the slackening of the muscles controlling the outlets of body waste. At such times, he is absent from us in one state. God – Glory be to Him – sends to him what He wishes.<sup>211</sup>

Thus the Prophet's sleeping has a bearing on the nature of the revelation made to him, and on his state of ritual purity. If, like the rest of mankind, the Prophet became unconscious in his sleep, the revelations made to him would be nothing more than thoughts coming to him in his dreams – his own thoughts, not revelations from God. But, in his case, though he sleeps, only his eyes sleep; his mind remains fully awake, fully conscious.

### *The Qur'an's I'jaz and the Sarfa*

Muslim intellectuals have long pondered the miraculous character of the Qur'an, verses of which challenge man to match its eloquence. Some intellectuals have taken up the challenge; others, who believed it to be matchable, have declared that God 'averted the Arabians from producing the likes of it, not that they were incapable of it.' This is the doctrine of the *sarfa*, which Sharif al-Murtada<sup>212</sup> is said to have professed.

Ibn 'Aqil comments on the *sarfa*:

The averting from producing the likes of it [of the Qur'an] indicates

that they have the power to do so. There may be a kind of inimitability in the fact of averting; however, the fact that the Qur'an is, in itself, impossible to reproduce, for a reason inherent in itself, is greater proof and more instructive of the excellence of the Qur'an. The statement of those who profess the doctrine of *sarfa* is nothing more than the statement of those who say, 'The eyes of those who observed the staff of Moses gave them the impression that it was a snake or serpent, not that the staff itself was transformed.'<sup>213</sup>

Ibn 'Aqil points out that there would be no glory attributed to the miraculous character of the Qur'an, if God has averted others from producing the likes of it: 'It would not be proper to challenge someone who has been averted from accomplishing the object of the challenge; just as it is not proper to challenge a foreigner to speak classical Arabic.'<sup>214</sup>

### 5. The Prophet's Pervasive Islam and Batinism

The following passage seems to be Ibn 'Aqil's answer to a question put by one of the faithful, asking him how he would go about disputing with Batinis who, as can be inferred from the passage, wish to put an end to the Islamic religion:

If I were to meet with the leader of the Batinis, my manner of treating him would be to ridicule his mind and the mind of his followers. I would say, 'Hopes have their ways and means, but placing your hopes on the side of despair is sheer stupidity. The revealed law of Islam has covered the Earth, and firmly established itself. It has, every year, a congregation at 'Arafa, and congregations, every week, on Fridays, and other congregations in the mosques. So when will you be talking yourselves into muddying the waters of this beautiful sea, and into annihilating this phenomenon manifesting itself in the remotest parts of the Earth, seeing that every day the muezzins call the faithful to prayer from the tops of two hundred thousand minarets in the name of this, our Prophet. Seeing that most of what you have to depend on is a conversation in a secluded place, if this were to be divulged, the perdition of its perpetrator would be feared. Thus I have no knowledge of a people more stupid than you.' This is what I would say, prior to opening the door of disputation.<sup>215</sup>

Note that Ibn 'Aqil's period was also that of Hasan b. as-Sabbah (d. 518/1134), leader of the Batinis; that Ibn 'Aqil is known to have issued a *fatwā* for the execution of a Batini; and that he issued one in favour of the Shafi'i-Ash'ari al-Kiya al-Harrasi, his sparring partner in disputation, when the latter was accused of Batinism, saving him from execution. Ibn 'Aqil is also known to have written a work, inextant, in refutation of Batinism, as did Ghazzali and a number of other religious intellectuals.<sup>216</sup>

## VII. ESCHATOLOGY

### 1. The Resurrection

Among the doctrines relating to life after death, that paramount in the mind of Ibn 'Aqil, and the closest to his heart, is the resurrection. In his writings on the subject, as found in quoted excerpts, he gives as evidence for the resurrection: God's power to bring back to life; the hearts of the faithful yearning for the resurrection; God's promise of future reward for the faithful. Forsaking worldly pleasures has its counterpart in the reward of life everlasting; the fear of Hellfire, in the joy of Paradise and transient life on earth, in the everlasting life of Paradise. The resurrection is God's everlasting gift; deny it, and you belittle His perfect generosity.

Ibn 'Aqil lost two sons: one aged twenty-seven, who was a humanist poet and jurisconsult, another aged ten, who begged his father to cease his attempts to keep him alive with medicines and physicians, and to let him go so he could answer God's call. Ibn 'Aqil's greatest consolation as a father was his belief in the resurrection. Ibn 'Aqil mourns his son in this prayerful meditation:

O Lord! I know of no one but Thee to whom I can turn for my son. From Thee he came, and to Thee he returned. And between Thy giving him and Thy taking him back, I grew fond of him and he of me. I was cheered by his presence, and Thou gavest me solace. I know well Thy power to bring back to life, even as Thou hast brought into existence. I therefore pray Thee, by Thy might, O Lord, do Thou cause the fires of my yearning for him to quell, by bringing us back together to the good life we had. How often did we speak together of the trust we had in Thy promise of reward, to such an extent that we forsook many comforts of the easy life! And how often did we speak of Thy threats of punishment, so that from pious fear we forsook life's natural pleasures! O Thou of perfect wisdom! Cause us to realise our hopes in Thee! O Thou of infinite power! Bring us back to a life in which Thou wilt have us attain what we have hoped from Thine abundance!

Here I stand a beggar at Thy door, O Generous One, claiming what it is in Thy power to give, and what I cannot do without. Do not frustrate my hope in the promise I hold, nor my striving in the direction of what I believe. Keep Thou safe for me, in Thy bosom, the soul of this missing person, in whose company I lived in perfect joy and complete happiness. Here he lies today, a pledge of this pit, into which I shall soon follow him. But I shall not cease to demand of Thee, with all the means within my power of demanding, until Thou

hast carried out Thy will of me, or granted me my wish! O King of this world and of the Hereafter! Have mercy on these decaying bones! O Compassionate! O Munificent! O Thou who graciously bestowed the gift of life, before filling us with longing for the promised reward! Grant us graciously the return to life, for Thou hast filled us with yearning for the Resurrection!<sup>217</sup>

On another occasion, in an outburst of pain at the loss of his sons, assuaged with deep faith in the promise of the resurrection, Ibn 'Aqil cries out:

By God! I shall not be satisfied from Him with this life that passes like a lightning-flash, blended with bitter colocynths! No, I shall not be satisfied with this paltry thing from the Eternal God of no beginning or end! Nothing but the perpetuation of graces would be proper from this Generous One! By God! He did not make those allusions He made without having prepared that of which all hopes stand in awesome fear! No one has ever more belittled the Creator's perfect generosity than by denying the Resurrection, despite the promises for the future of souls, despite the attachment of hearts to the Resurrection, despite the reward for arduous good works, in the performance of which the faithful forsook the pleasures of this world. They bore their trials patiently, in the expectation of receiving His everlasting gift.

The strongest proof that we shall have a Resurrection, comprising a secure and everlasting life, is that which points to the perfection of the Creator – Glory be to Him Who is exalted above all – and His freedom from all imperfections. We have thoroughly studied His acts and found that He prepared a purpose for every created thing; thus, the sense of hearing for audible things, sight for visible things, teeth for grinding, nose for smelling, stomach for the digestion of food. But there yet remains for the soul a purpose which was kneaded into its very clay; and that is, existence without end, the attainment of objects of desire without suffering harm. The soul, in this world, is deprived of this. Moreover, I believe that as long as this has not been attained, and that divine wisdom has not seen fit to require it, it is then proper that the soul attain it in another world. I contemplate the spectacle of decay that goes on in the tombs: How many a beginning that was contradicted by its end! The beginning of a man and a bird is a heated fluid, deemed ritually impure; and the beginnings of vegetation is decayed grain; then from this emerge the human being and the peacock. Thus also will be the emergence of the dead after decay.<sup>218</sup>

Ibn 'Aqil believes that people deny the resurrection because of their love of life and of self-preservation:

When a person is niggardly with something, once it leaves his hand, he does not believe it will return. He dreads to lose things, and once lost, he wishes their expeditious return. People observe the breakdown of decayed bodies, the falling apart of limbs, the dilapidation, the destruction. Here lies the reason for their uncertainty regarding the Resurrection. This doubt should be allayed by ceasing to consider the decomposition of the body, and to consider instead the power of the Agent and what He made to begin with. How He presented us with delightful children, and just as He presented us with them, He can bring them back to us. In fact, there is a greater reason for His returning them to us. When He gave them to us, His gifts were voluntary, but their return to us is a promise incumbent upon Him, for He has said: 'They swear their strongest oaths by God, that God will not raise up those who die: Nay, but it is a promise (binding) on Him in truth: But most among mankind realise it not' [Qur.16:38].<sup>219</sup>

Someone states that when God resurrects creation, He gives them back their memories. He then asks, why? Ibn 'Aqil answers: So that the blessed will know that God made good His promise of the Resurrection, and so that the evil ones realise why they are punished.<sup>220</sup> To one whose problem in denying the resurrection is that bodies become transformed into substances for other bodies, Ibn 'Aqil's answer is that the Creator Who creates *ex nihilo* has no problem in bringing back the substances to their original human forms; for it is only the humans who are requited for their acts, because they alone are subject to religious obligation. Also, it does not matter that the bodily substance is continually changing – because of increase when it gains weight or of decrease in illness – for God can create other substances for them, and reward them with a life of happiness or a life of punishment.<sup>221</sup> Ibn 'Aqil relates a dream:

In 493 [AD 1100], while I was sleeping, there appeared in my dream a cemetery, and it seems I heard a voice saying, 'These are the tents of decay, close to the gates of hope and fulfilment.' This inspiration came from God – the Exalted – because of the frequency of my fervent mention of the Resurrection, and my intense desire to join the pure pious Fathers, and my turning away in disgust from associating with people of inferior morals.<sup>222</sup>

## 2. Repentance

In the extant *Kitāb al-Intisār*, Ibn 'Aqil writes regarding the validity of repentance: 'A stipulation for the validity of repentance is the discharge of the act of injustice from the penitent's responsibility.' Elsewhere, he says:

Repentance is admissible for acts of injustice against people. He who dies after having repented of them, his victim is rewarded by God

acting in his place, as reported in the *hadīth*: He who repents of his sins will not enter Hellfire.<sup>223</sup>

In a passage from his lost *Irshād*, he writes:

A stipulation for its validity is to compensate the victim for the act of injustice, if he is still living, or to make equal compensation for the act, in almsgiving, if the victim is no longer alive, and if he left no heirs.<sup>224</sup>

## 3. Punishment After Death

Ibn 'Aqil's teacher of grammar, the Mu'tazili Abu 'l-Qasim Ibn Barhan, denies the eternal damnation of infidels, on the basis that it would be tantamount to the gratification of one's thirst for revenge, inconceivable and unjustifiable in the case of God, considering especially the attribute of compassion with which He described Himself. It would be absurd to attribute such feelings to God. Ibn 'Aqil disagrees with his old teacher, on the grounds that he takes the attributes of the Creator from the attributes of His creatures.

But the present world refutes what he said. For that which precludes gratifying the thirst for revenge is the preponderance of compassion and mercy, both of which are removed by a natural temperament. But God is not so described, nor is His compassion or anger anything like the attributes of created beings.<sup>225</sup>

In opposing his teacher, Ibn 'Aqil does not state explicitly his own doctrine on the eternal damnation of infidels; but the denial of eternal damnation for mankind is implied in his response. The thrust of his refutation is focused on the ineffability of God, His utter incomparability with His creation:

The perpetuation of punishment, on the part of Him for Whom the gratification of one's thirst for revenge is inconceivable, has no justification, considering especially the attribute of compassion with which He described Himself. Such an attitude exists only in the present world, because of the anger which takes hold of one who seeks revenge; but such behaviour is absurd with respect to Him.<sup>226</sup>

A Hanbali is asked about a Prophetic Tradition, related by a sermonist, that God causes sinners to die in hellfire. This was denied by the Hanbali, by way of deduction, not by impeaching its reporters. He reasoned as follows: If God causes them to die, there can be no punishment. He adduced as evidence for his argument the Qur'anic verse:

'As often as their skins are roasted through, We shall change them for fresh skins' [Qur.4:56]. The consensus of the religious intellectuals is

that what is meant is not that skins other than those of the sinners who disobeyed Him will be provided, but simply skins not roasted through. Then he said, 'that they may taste the Penalty' [Qur.4:56]. Thus he indicated that the burning of the skin from which the soul has departed has deprived it of the sense which He called taste. Now there is no sense where there is death; and when there is a lack of sense, fire is no longer capable of punishing them, and they are no longer punished. Also the sound Traditions in Malik's *Muwatta'* relate that the souls of the believers are in the stomachs of green birds that eat of the fruit of Paradise, and they go to lamps suspended from the Throne. If the bodies separated from the souls could feel pain or comfort, or the souls themselves, He would not have caused them to pass into the bodies of birds. Another Tradition has it that the souls are in black birds in Barahut. He who punishes the dead has no reason to put their souls in bodies other than their own. With these proofs there is no validity to the Tradition. But since the Tradition is found in the *Sahih* of Muslim, there is no reason to reject it, and its text is accepted.<sup>227</sup>

To this the Hanbali adversary [i.e. Ibn 'Aqil] replied:

It is possible that the death attributed to them is at the time that punishment has been exacted, when He brings them out of it and when it has come to an end and the punishment due has been exacted of them, that is, of the sinners. For this reason it has been related that they emerge like bundles of coal, and are immersed in the sea of life, whence they sprout as do the seeds of desert-plants borne by the flowing-water in a torrent-bed. It is also conceivable that the mention of death means that He will exact one punishment in preference to another; and this is in line with the belief of the Sunnis who profess the doctrine of the punishment of the tomb.

It is not beyond God's power to cause bodies in which there are no souls to be punished, or to punish souls without bodies, just as it is evident, by virtue of the perfection of His power, to prevent fire from causing pain to bodies that have souls in some animals, such as the ostrich and the Samandal bird. Body and soul are united, yet are spared the pain of fire. He Who can prevent fire from giving pain to bodies with souls, has it within His power to cause pain to bodies without souls. God makes parts of the body give testimony without the benefit of the organs of speech. He caused the infant Jesus to speak while yet in the cradle. He put in Noah's Ark two of every species, and it was thought that He could create life only through continuous generation. But He created Adam from neither male nor female; and Jesus, from female without male; and Eve, from a bone, with neither male nor female. We should not deny the extent of His power because

of the habitual sequence of events with which we are familiar. How many breaches have there been to remove from us that perception, and how many habitual sequences, so as to believe Him incapable of doing otherwise!<sup>228</sup>

Although God can punish bodies without souls, as mentioned above, Ibn 'Aqil believes that bodies are punished in hellfire after the souls are restored to them, as the Qur'anic verse has it:

[Those who reject our Signs, We shall soon cast into the Fire:] As often as their skins are roasted through, We shall change them for fresh skins, that they may taste the Penalty: [for God is Exalted in Power, Wise] [Qur.4:56].

God keeps changing the skins of the damned, to keep them capable of sensation. If burned skins lose their capacity to sense pain, bodies without souls are completely lacking in sensation. Therefore, bodies are punished only after the souls are restored to them.<sup>229</sup>

In one of his reports on sessions of disputation, Ibn 'Aqil cites someone making the following statement: 'If God were to punish the prophets and cause infidels to be cast into hellfire, it would be a good deed on His part.'<sup>230</sup> It is obvious that the speaker is an Ash'ari. An objector [i.e. Ibn 'Aqil] answers him pointing out the error of his statement, in that the Qur'an is God's speech, and it is as impossible for His speech to be falsehood, as it is for His knowledge to be ignorance, for His life to be death, or for His power to be impotence. God does not go back on His word. It is He Who says: 'So he who gives (in charity) and fears (God) [Qur.92:5]', 'And (in all sincerity) testifies to the Best [Qur.92:6]', '[We will indeed make smooth for him the path to bliss [Qur.92:7]'. [And for such as had entertained the fear of standing before their Lord's (tribunal) and had restrained (their) soul from lower Desires [Qur.79:40], their Abode will be the Garden [Qur.79:41].'

#### 4. The Beatific Vision

Ibn Taimiya criticises Ibn 'Aqil for having adopted a number of Mu'tazili doctrines, among them, the attitude toward the beatific vision. He quotes a remark made by Ibn 'Aqil on someone invoking God, in his presence, with the following prayer: 'O God! I ask Thee the joy (*ladhdha*) of looking at Thy Face!' Ibn 'Aqil said to him: 'You there! Suppose that He had a face, (you believe) you would savour (*tataladhdhadh*) looking at Him?'<sup>231</sup>

Ibn Taimiya, who accused Ibn 'Aqil of Mu'tazili tendencies, remarks that the Prophet himself had yearned to see the face of God, a yearning expressed in the very same terms as Ibn 'Aqil's interlocutor. This anecdote appears to indicate that Ibn 'Aqil's disapproval meant that he did not believe in the beatific vision. However, Ibn 'Aqil's disapproval, here, is of

the reference to the face as a corporeal attribute of God, likening Him to created beings. If there is anything that Ibn 'Aqil held in horror, in reference to God, it is the likening of Him to created beings. In Ibn 'Aqil's period, anthropomorphism is precisely the accusation which the Rationalists levelled against Hanbalism, and which Ibn 'Aqil rightly fought against as undeserved.

### 5. Angelology

Ibn 'Aqil believes in the superiority of humans over the angels. On being questioned why it is that the angels are preoccupied with praising and glorifying God, and whether, because of that, they are superior to humans, he answered that the reason they could spend their time praising and glorifying God is that they have no other occupations to keep them from doing so, nor do they have to worry about gaining their livelihood, for instance, earning money to pay for food and medicines. On the other hand, humans have to work hard to earn money for these material goods and services, and they have to sleep to regain their strength. Besides this, they undergo all the catastrophes of their physical environment; they are afflicted with the death of those they love; they fight against the enemies of God; and they resist natural desires because of God's prohibitions. When the angels Harut and Marut were sent down to Earth, they proved incapable of surviving these hardships, which shows that humans are superior to angels.<sup>232</sup>

### 6. Demonology

Concerning Satan (*Iblis*), Ibn 'Aqil was asked 'How can we overcome him, it being that he is able to see us, while we are unable to see him?' Ibn 'Aqil answers that there is no physical encounter between humans and Satan; his arrows flung at humans are thoughts that he puts into their minds, thoughts which can be fought with reason, sane and sound. So, when Satan inspires the minds with false notions, right reason rejects them.<sup>233</sup> Here then is one of the important functions of reason, which Ibn 'Aqil values as second only to revelation, and used in those matters not covered by revelation.

Regarding the 'jinn', Ibn 'Aqil says that they were called by this name, because of veiling and concealing themselves from people's sight. It is from the radical letters, *JNN*, that the fetus was called *janin* ('concealed', 'covered'); and the shield used in battle was called *junna* ('protection', 'shelter') because it covered or sheltered. The rebellious devils among the jinn, who are the sons of Iblis, and the demons, the most arrogant and the most alluring, are the aids of Iblis.<sup>234</sup>

## VIII. THE TRADITIONALIST CREED

### 1. The Danger of *Kalām* for the Muslim Creed

Ibn 'Aqil is known to have written extensively in censure of *kalām*, writings that remain inextant. However, the strength of his sentiment on the subject is clearly felt in a sermon addressed to religious intellectuals, the theologians of *kalām*. Ibn 'Aqil accuses them of causing the faithful to doubt their beliefs:

O Highway Robbers! [i.e. who rob the common people of their faith, by planting doubt in their minds] Your Prophet – Peace be upon him! – was satisfied with the maiden's pointing to the heavens [when asked where God is]; whereas you fill people with doubts regarding their beliefs. An enormous abyss has been opened by your words ('*kalām*'), the words of atheists and heretics!<sup>235</sup>

### 2. 'The Road of Safety'

Among the writings of Ibn 'Aqil there is one entitled *al-Mu'taqad* (The Creed), i.e. 'My Creed', one of many works inextant). But a passage in Ibn Muflih's *al-Ādāb ash-sharī'a* shows Ibn 'Aqil harking back to the beliefs of the simple faithful. He is shown to uphold the doctrine of 'the road of safety' (*tariq as-salāma*), which declares that the road followed by the Old Wives is safest (*tariq al-'ajā'iz aslam*). After long consideration, he believed the creed of the old wives to be the result of 'a high degree of reflective reasoning' (*ulūl rutba fi 'n-nazar*). For, no matter how far one goes in one's reasoning, there comes a point when no further progress can be made. That is why the Fathers stopped with the dictates of the revealed law, giving due obedience to God, recognising man's incapacity to arrive at the knowledge of what only God can know. In such a doctrine, obedience is the key – obedience to the Law of God.<sup>236</sup>

Ibn 'Aqil's creed is a function of his dogged opposition to *kalām*, as one can see in the following passages. He once said to a fellow-Hanbali:

I affirm that the Companions of the Prophet died without knowing 'essence' or 'accident'. If you are content to be like them, well and good; but if you should believe the method of the *kalām*-theologians to be preferable to that of [the first two Rightly-Guided Caliphs] Abu Bakr and 'Umar, then your belief is evil indeed! The science of *kalām* has led its practitioners to be plagued with doubts, and has led many of them to heresy; the odours of heresy can be sniffed from the slips of their tongues. This is due to the fact that they are not convinced by what the revealed laws have set forth, but went in search of (what they

called) the 'realities'. But reason has not the power to perceive the wisdom that is God's, and which He alone possesses. I studied *kalām* extensively my whole life long, then fell back on the teachings I learned in elementary school. The *Salaf* (Fathers) have said, 'The creed of the old wives is safest', simply because, when they had reached the utmost limit of reflective reasoning, they did not come across any justifications or interpretations that would satisfy reason, so they took their stand with the precepts of the revealed law, and turned away from the allegation of causes. And reason surrendered, conceding that there is a divine wisdom superior to itself.<sup>237</sup>

Ibn 'Aqil defines his own creed in the following simple terms:

I have returned to the creed I had in the elementary school: following the Book (of God) and the Sunna of the Prophet. I declare myself quit of any statement innovated after the time of the Messenger of God and having no basis in the Qur'an or in the Sunna.<sup>238</sup>

This return to the simple faith of the Old Wives is well known in Ibn 'Aqil's period. Religious intellectuals, who had fathomed philosophical speculation in matters of religion, in their attempt to understand the mysteries of the Divine Being, are reported to have had 'death-bed conversions'. Such is the reported experience of the great theologians, Imam al-Haramain al-Juwaini, Abu 'l-Wafa' Ibn 'Aqil, and Fakhr ad-Din ar-Razi, among others.

The theme of doubt and perplexity resulting from Rationalist theology is one that also finds expression in some verses of Traditionalist inspiration by the early mystic, Hallaj:

He who takes reason as his guide, thirsting for God,  
Is led to pasture, in perplexity, casting about,  
And growing old, in states of conscience feeling odd,  
'Does God exist?' he asks himself, immersed in doubt.<sup>239</sup>

## Notes to Part Two

- For details on the rise of legal guilds in Islam, see G. Makdisi, *Guilds*; idem, *RLL*, nos. X and XI; idem, *Corporation*, in *Présence*, 35–49, and in *Essays*, 193–209; see also *Tabaqat*, in *IS*, XXXII, 371–96.
- For details, see *Guilds*, esp. 239–40, and *ROC*.
- RLL*, XI, 241.
- On the doctorate and the magisterium in Islam and Christianity, see *RLL*, no. XIII.
- Bologna*, 150ff.
- OMJ*, and *Esquisse*.
- For full details regarding the *tabaqat* genre and its relation to the rise of legal guilds, see my *Tabaqat*.
- For a more detailed account regarding the diary in Islam, see *Historiography*, and a shorter version, without tables, in *Historiography*(2).

- See on *dhamm al-kalām*, the study of M. Schreiner, *Beiträge*, section IV: 'Die dogmatischen Ansichten der alten Imâme', which gives a list of names to which more could be added.
- See *Shâfi'i*.
- Ibid.
- For more detail on *ijtihâd*, and for *taqlid* as applied by jurisconsult and layman, see *Ijtihâd*.
- Wâdih*, I, 86–7.
- See *Ijtihâd*.
- Muftî*, fol. 16b; Ibn Shabib cites the following Hanbalis to be of the same opinion as Ibn 'Aqil: Qadi Abu Ya'la, Kalwadhani, and Ibn al-Jauzi.
- Funûn*, 602. It is this opinion that goes counter to that of the later Ibn Rajab, in his *Salaf*.
- Ibid., 321 (lines 6–7).
- Ibid., 606 (lines 10–14).
- Ibid., 606 (lines 16–19); *Sifât*, fol. 6a-b.
- Funûn*, 83–4.
- Muftî*, fol. 5a.
- See *Shâfi'i*.
- Mardawi*, *Tahrîr*, fol. 22a.
- Wâdih*, I, 22. Ibn 'Aqil defines *izâm* as consisting in pinning onto the adversary what he does not profess, by showing him that it follows as a consequence of what he does profess, thus reducing him to silence; cf. the term *inqîâ*.
- Ibn 'Aqil wishes to point out to the Traditionalists that reason is a very important tool, used in the service of religion, to discover what man's obligations are vis-à-vis his Creator.
- i.e. natural theology, in the restricted scope which follows.
- i.e. in the restricted scope just mentioned.
- Wâdih*, I, 22, lines 16–22.
- Wâdih*, I, 162–3.
- Ibid., I, 103: ... *ash-Shâfi'i abû hadha l-ilm wa-umm-hu wa-huwa man hadhdhaba usûl al-fiqh* ('Shâfi'i is the father and mother of this science; he is the first to amend and improve it'). Thus Ibn 'Aqil considers Shâfi'i to have constituted *usûl al-fiqh* as a science, on the basis of various elements due to earlier authors, and rather than have invented it, to have been the first to give it its basic structure, which has remained essentially as he left it.
- Ibid., I, 1.
- MC*, 270.
- Ibid., 254n.1.
- See *UD*, esp. 2–3.
- Irshâd*(J), L/210–11 (Ar. text), 313–15 (Fr. text); *Irshâd*(J), 368–70.
- Risala*, II (lines 3–4), and 20 (lines 3–4); see also *Shâfi'i*, 41.
- By 'Abd al-Jabbar; read: *al-'Umad*, instead of *al-'Ahd*, as printed in the edition.
- Mu'tamad*(B), I, 7.
- Ibid., where I believe the text should be emended as suggested; see also my *Shâfi'i*, 15, where the translation should be modified accordingly.
- Dhâri'a*, 7.
- i.e. the *Ihkâm*.
- Ibid., 8.
- Not *usûl [al-fiqh]*, legal theory, as in the French translation.
- Irshâd*(J), Arabic text, 310–13, chapter xxv of the translation, 'De la censure des actions humaines (ordonner le bien et défendre le mal)', 313–15; *Irshâd*(M), 368–70.

45. *Uṣūl*, margin p. 7.
46. *Ibid.*, margin p. 10.
47. *Ibid.*, margin p. 12; that is, 'the religious intellectual who practises what he preaches', a phrase which later appears among the scholastic and humanist intellectuals of the Christian West: *dicendi faciendique magister*, and *loquendi faciendique humanista*; see *ROH*, 339, where instead of *loquandi*, read *loquendi faciendique*.
48. *Qawāṭī'*, fol.1b.
49. *Ibid.*, fol.2a; Sam'ani mentions no names.
50. For a complete translation of the passage of Ghazzali's *Mustasfā*, see *Shāfi'i*, 33–4, and *RIL*, no.II, same pagination; see, *ibid.*, 17, notes 3, 4, 5, for the practice of law-students writing down the works or lectures of their law professors, and for the divisions of Ghazzali's *Mustasfā*.
51. *Wādih*, I, 2.
52. Obligatory, recommended, indifferent, reprehensible, forbidden; see *III*, 120.
53. *Wādih*, I, 1. By 'works of *kalām*-theologians', Ibn 'Aqil meant *uṣūl al-fiqh*, not *kalām*.
54. See *Opuscules*.
55. *Wādih*, I, 78 (line 8).
56. *Ibid.*, I, 32–3.
57. *Ibid.*, I, 33.
58. *Funūn*, 509 (lines 7–8).
59. *Adab*, I, 229.
60. *Ibid.*
61. *Ibid.*, I, 232 (last paragraph).
62. For Ibn Hanbal's *Radd 'ala 'z-Zanādiqa*, see *GAS*, 507; for Ansari, see the works of S. de Laugier de Beaurecueil.
63. *Wādih*, I, 8–9.
64. See *SCG*, chapter 7, first paragraph.
65. *Wādih*, I, 7–9.
66. *Ibid.*, 9 (line 8).
67. *Mu'tamad*(AY), 101.
68. *THY*, II, 26 (lines 13–15).
69. Ibn Taimiya, *Sab'Intya*, 33.
70. *Ikhnāt*, 94; *Imān*, 162, where Ibn Taimiya elaborates on the definition, based on Ibn 'Aqil's *Wādih*, and goes on to state that others, including Juwaini, oppose this opinion, as he himself does, giving his grounds.
71. *Ikhnāt*, 94. On *gharza*, see *Lexicon*, s.v.
72. *Funūn*, *apud Adab*, I, 232.
73. Cf. *Funūn*, 536, where Ibn 'Aqil enumerates many of God's gifts to man, in spite of the latter's refractoriness: reason, speech, the revealed law, parents, teachers, religious intellectuals, preachers and jurisconsults.
74. *Ibid.*, 652.
75. *Funūn*, *apud Adab*, III, 247–8.
76. *Funūn*, 691–2.
77. This is another possible basis for Ibn Qudama's attitude of hostility against his fellow-Hanbali of a century earlier. It is just such hermits whose stories are found in Ibn Qudama's 'The Book of Penitents', see *Tauwābin*.
78. *Funūn*, *apud Adab*, III, 247–8.
79. *Quṣṣās*, 96–7/fols 71a–b.
80. *Funūn*, *apud Adab*, II, 333–4.
81. *Ibid.*, II, 334.
82. See the passage in *Funūn*, 602–10, especially 607 (lines 12–13).
83. See *ibid.*, 717, (lines 12–18).
84. *Adab*, I, 230, penult.

85. *MRK*, II, 331.
86. *Nubūwāt*, 41.
87. *Funūn*, 289; a partial translation in G. Makdisi, 'The Scholastic Method in Medieval Education: An Inquiry into its Origins in Law and Theology', in *Speculum*, 640–61, see p. 655.
88. *Funūn*, 289, lines 5–9; *Meditations*, p. 154. For the full passage, see Part Three, I, 5.
89. *Funūn*, 509 (lines 8–9).
90. Mardawi, *Tahīr*, fol.10a.
91. *Apud Ādāb*, I, 172.
92. *Funūn*, 734, where Ibn 'Aqil attributes to a philosopher-physician this saying, anticipating Descartes's doubt.
93. *Funūn*, *apud Ādāb*, I, 230.
94. *Wādih*, I, fol.62a. Such was the purpose Plato assigned to dialectic.
95. Ibn 'Aqil, *apud Bādā'i*, III, 175.
96. *Funūn*, *apud Ādāb*, II, 120, *Lata'if*, fol.2b; *Meditations*, 157.
97. *Fuṣūl*, *apud Ādāb*, III, 397–8.
98. *Funūn*, 237; *Meditations*, 157.
99. *Funūn*, *apud Ādāb*, I, 34.
100. *Ibn Batta*, 87n.1.
101. *Wasītīya*, 7 and 8.
102. *Risāla*, 8 and 20; *Shāfi'i*, 41.
103. *Irshād*, *apud Tuhfa*, fol.31b–2a; see Ibn al-Jauzi's *Akhbār as-sifāt*, where Ibn al-Jauzi quotes passages of Ibn 'Aqil on the traditional divine attributes, taken either from the latter's *Irshād* or from his *Funūn*. See the following folios, where there are some good examples of Ibn 'Aqil's *ta'wīl*: 5b, 6a, 7b, 11a, 12a, 17a, 18a, 20a, 21a–b, 25a, 28a–b, 30b, 31b, 39a. This work of Ibn al-Jauzi is in the process of being edited and translated, with introduction and notes, by M. L. Swartz.
104. *Funūn*, 80–1.
105. *Dhai'l*, I, 174.
106. *Irshād*, *apud Tuhfa*, fol.23a.
107. *Bazzi*, fol.25b–26a; see also *Akhbār*, 20b.
108. *Dhai'l*, I, 190 (lines 1–3).
109. *Bazzi*, fol.26b and 28a.
110. *Munlazam*, VII, 195.
111. *Talbīs*, 88.
112. Note that Ibn Taimiya, in this period of his writing, considered Ibn 'Aqil to have been less a follower of Ahmad Ibn Hanbal than was al-Ash'ari; it is only later that he came to believe Ibn 'Aqil's doctrine to belong to pure Sunni orthodoxy.
113. Sons of Abu 'l-Hasan at-Tamimi: Abu 'l-Fadl at-Tamimi, d. 410/1020, and Abu 'l-Faraj at-Tamimi, d. 425/1034; see *THY*, pp.139, 179, 182.
114. No date of death, see *TSS*, III, 366–8.
115. See *Irshād*(J).
116. See *RN*.
117. *Bayān*, on the margins of *Minhāj*, II, 9–10.
118. But Rizq Allah is the son of Abu 'l-Faraj, known by the *kunya* of Abu Muhammad, d. 488/1095.
119. *Bayān*, III, 239 (lines 7ff. from bottom of page).
120. *Ibid.*, IV, 178.
121. *Fatāwa*, V, 139.
122. See, besides the above citations, *Minhāj*, I, 262; *Bayān*, IV, 253; *Fatāwa*, V, 136; and *MRK*, I, 426.

123. *Ibid.*, I, 410.  
 124. *Funūn, apud Siyar*, XIX, 448–9.  
 125. *Mu'tamad*(AY), 43–4.  
 126. *Apud Talbis*, 88.  
 127. *THY*, II, 23; Laoust, *Ibn Batta*, 87n. 1.  
 128. *Tuhfa*, fols.23b–24a.  
 129. *Concordance*, s.v. *qadam*.  
 130. *Tuhfa*, fol.24a.  
 131. al-Baghdadi (fl. second half of fourth/tenth century), see *THY*, II, 167.  
 132. Ahmad b. al-Hasan b. Ahmad, known as Ibn al-Mukhaliṭi (d. 508/1114), see *THY*, II, 258.  
 133. *Tuhfa*, fol.24b.  
 134. For this passage, see *ibid.*, fols.23a–24b.  
 135. *Ibid.*  
 136. *Lawa'iḥ*, I, 209.  
 137. *Funūn*, 665.  
 138. *Ibid.*, 319–20.  
 139. *Bayān*, III, 191 (lines 1–4).  
 140. *Funūn*, 179.  
 141. *Funūn, apud Muntazam*, IX, 19–20; *Dhail*, I, 177.  
 142. *Mu'tamad*(AY), 34, 36–7.  
 143. *Bayān*, IV, 258–9. On the thesis of the renewal of knowledge (*tajaddud al-'ilm*), see *Nihaya*, 217, where it is said to be that of Ibn Hashim.  
 144. *Funūn*, 176–8.  
 145. *Ibid.*, 88–9.  
 146. *Ibid.*, 91–2.  
 147. *Tuhfa*, fol.26b.  
 148. *Ibid.*, fols.29a–29b.  
 149. *Ibid.*, fols.29b–30a.  
 150. See *Opuscules*, 55–96.  
 151. Read: minhum, instead of minhu.  
 152. *Minhaj*, I, 237.  
 153. *Bayān*, II, 123–4.  
 154. Read: *mushabihan*, instead of: *mushāhidan*.  
 155. *MRM*, III, 69–76.  
 156. Read thus, instead of: we do not concede.  
 157. *MRM*, III, 69–76.  
 158. *Ibid.*, III, 72.  
 159. *Ibid.*, III, 72–4.  
 160. *Ibid.*, III, 74.  
 161. *Funūn*, 21–2.  
 162. *Bayān*, II, 4–5.  
 163. *Shifā'*, 28.  
 164. *Tartq*, 114 (line 4 from bottom of page).  
 165. *Tuhfa*, fol.31b: *lī l-abdi qudratun li-fi'lī l-khairi wa 'sh-sharr; wa-laisa mahmūlan 'ala l-fīl, wa-lā mukhaiyaran; bal Allāhu – subhānahū wa-ta'āla – khāliqu l-qudra, wa-huwa l-fā'ilu bi l-qudra*. Read: *mahmūlan* and *mukhaiyaran*, instead of *mahmūl(un)* and *mukhaiyar(un)*, a lapse into the colloquial.  
 166. *Funūn*, 449.  
 167. *Apud Muntazam*, IX, 90.  
 168. *Irshād, apud Tuhfa*, fol.31b.  
 169. It seems that the doctrine of Ibn 'Aqil, like St Thomas Aquinas, is that God's existence is His essence; that for God, essence and existence are the same.

170. Ibn 'Aqil's definition recalls that of Aristotle; we have already seen that his theory of knowledge is also Aristotelian.  
 171. *Funūn*, 238–40.  
 172. *Funūn*, 747 (line 17). *Anā*: it is possible that the copyist omitted what he thought to be a repetition: *Anā Anā*, in which case, 'I Am I Am', 'I Am Who Am'.  
 173. *Wadiḥ*, I, 111–12.  
 174. *Ibid.*, I, 32.  
 175. *Ibid.*, I, 12.  
 176. *Ibid.*, I, 44–6.  
 177. *Ibid.*, III, fols.124a–128a, and *Musauwada*, 479ff.  
 178. *Funūn*, 153–4.  
 179. *Ibid.*, 41–2; read, on p. 41, line 13: *lī-anna l-ilmā tabi'un li l-ma'lūm*, with *'ilm* before *ma'lūm*, instead of the reverse.  
 180. *Ibid.*, 196.  
 181. *Ibid.*, 268.  
 182. *Apud Lawā'iḥ*, II, 292.  
 183. *Wafā'*, 139.  
 184. *Bada'i'*, III, 135–6.  
 185. For this *hadīth*, see Bukhari, *Sahīh*, title 87, chapter 2.  
 186. *Wafā'*, 142.  
 187. Ibn Taimiya.  
 188. *Sahīh*, title XX, chapter 1.  
 189. *Wafā'*, 256.  
 190. *Ibid.*, 649.  
 191. *Ibid.*, 645.  
 192. *Bada'i'*, III, 144.  
 193. *Wafā'*, 351–2.  
 194. *Ibid.*, 748.  
 195. *Ibid.*, 371–2.  
 196. *Ibid.*, 711.  
 197. Sa'd b. Malik al-Ansari al-Khazraji, Companion of the Prophet.  
 198. *Wafā'*, 772.  
 199. *Minhaj*, II, 12; see above, p. 110, Divine Existence.  
 200. *Ibid.*, 299.  
 201. *Wafā'*, 300.  
 202. *Ibid.*, 324.  
 203. Al-Aswad al-'Ansi, d. 11/632.  
 204. Abu Thumama Musailima b. Thumama al-Wa'ili, d. 12/633.  
 205. *Wafā'*, 320.  
 206. *Ibid.*, 270.  
 207. *Ibid.*, 270–1.  
 208. *Ibid.*, 171.  
 209. *Ibid.*, 171.  
 210. *Ibid.*, 627 (lines 7–8).  
 211. *Ibid.*, 627 (lines 3–10).  
 212. Syndic of the Talibid nobility.  
 213. Op. cit., 268.  
 214. *Ibid.*, loc. cit., penult.  
 215. *Ibid.*, 350–1.  
 216. For Ghazzali's work against the Batiniis, see Goldziher's *Streitschrift*; see also Ibn 'Aqil, 289, and n.2, and another work on the Batiniis by Ghazzali, *Qawāsim*.  
 217. *Funūn*, 265–6; *Meditations*, 162–3.

218. *Dhail*, I, 186–7; *Meditations*, 162.
219. *Funūn*, 311–13.
220. *Ibid.*, 459–60.
221. *Ibid.*, 743–5.
222. *Dhail*, I, 187.
223. *Apud Ādāb*, I, 91.
224. *Ibid.*
225. *Muntaqam*, VII, 194–5, and VIII, 237.
226. *Ibid.*
227. *Funūn*, 740–2.
228. *Ibid.*, 741–2.
229. *Ibid.*, 104–5.
230. *Ibid.*, 21.
231. *MRK*, II, 131–2.
232. *Funūn*, 62–3.
233. *Ibid.*, 359–60.
234. On the Jinn, see *Idāh*, 3, n.1; *Lawā'ih*, II, 211, 212.
235. *Funūn, apud Ādāb*, III, 497.
236. *Apud Ādāb*, I, 232.
237. *Apud Talbis*, 85–6.
238. *Funūn, apud Ādāb*, I, 232.
239. *Tawāṣīt*, 196, in *Passion*, III, 71/62.

### Part Three Ibn 'Aqil and Humanism

## SECTION ONE HUMANISM AND GOVERNMENT

### I. GOVERNMENT AND THE REVEALED LAW

#### 1. *Adāb Sharī'a and Siyāsa Sharī'a*

Throughout the history of classical Islam, humanism was heavily dependent on the fortunes of government. Its successes and failures followed government's fortunes, rising with prosperity, falling with adversity. Dependent on government, humanists reflected the tendencies of the holders of power: when characterised by Rationalist tendencies, so also were the humanists generally, as in the days of al-Ma'mun; when characterised by Traditionalist tendencies, so also were the humanists generally, as under the caliphate of al-Qadir.

Government and humanism shared the terms *siyāsa* and *adab*, both of which were closely related in meaning and application: discipline, training, instruction. *Adab* was specifically applied to humanism, in the sense of discipline of mind and manners; *siyāsa*, specifically to government, in the sense of management, administration, rule. *Adab* and *siyāsa* were used interchangeably in titles of works dealing with governance, humanism, and Sufism: *Siyāsat ad-dīn wa 'd-dunyā* and *Adab ad-dunyā wa 'd-dīn*; *Siyāsat an-nafs* and *Adab an-nafs*; *Siyāsat al-muridin* and *Adab al-muridin*. Ibn Taimiya's book on governance based on the revealed law, *as-Siyāsa ash-sharī'a*, has its analogue on governance and humanism in that of his disciple, Ibn Muflīh, *al-Ādāb ash-sharī'a*, based also on the revealed law. The latter book is used frequently in these pages as a source on Ibn 'Aqil's thought.<sup>1</sup>

A manifest sign that Rationalist humanism was on its way out in classical Islam was Caliph al-Muttaqi's declaration, to the scandal of humanist Abu Bakr as-Suli (d. 335/946), that the Qur'an was all he wanted as a boon companion. The celebrated Suli had been boon companion to many caliphs. Rationalist humanism, with al-Muttaqi, was on the wane; with al-Qadir, its demise was a *fait accompli*. Humanism, redirected from its Rationalist tendencies, was, by Ibn 'Aqil's period, brought back to its Traditionalist origins. But it had its influence, as did Mu'tazilism, on the development of Islamic thought in classical Islam.

Since the accession of al-Qadir, the tendency in the shift of thought

from Rationalism to Traditionalism had gradually increased its momentum, yet not without a distinct influence being exerted by the former on the latter, changing it from a preponderant fideism to an intellectualism, which reached its peak with Ibn 'Aqil. In his period, the dynamism of classical Islam was to be found in religion and law. His thinking on man and the State is a reflection of this change, an intellectualist Traditionalism in contrast to the Rationalism of the previous period. The 'mirror of princes' genre of humanist writing, previously integrated with philosophical thought, now becomes integrated with religion and law.

We are afforded a glimpse of this integration in Ibn 'Aqil's political theory. When, in the course of a disputation, a Shafi'i professes the opinion that *there is no valid government except that which agrees with the revealed law*, Ibn 'Aqil is quoted as follows:

Government is that activity whereby people are enabled to tend toward good and away from evil, even if the Apostle [Muhammad] had not instituted it, or if it had not been the object of a revealed law. Now if by your statement, 'except that which agrees with the revealed law', you mean an administration that does not contradict the revealed law, then that would be right; but if you mean that there is no valid administration except that which is stated explicitly in the revealed law, that would be wrong. Moreover, it would put the Prophet's Companions in the wrong; for the executions and exemplary punishments ordered by the Rightly-Guided Caliphs [*combined caliphates*: 11–40/632–61] are such as not to be denied by anyone who knows the Traditions, even if this involved only the burning of copies of the Qur'an – a judgement they based on the welfare of the Community – and the burning of the heretics in the trenches by Caliph 'Ali [*caliphate*: 35–40/656–61], who said: 'When I witness something reprehensible, I light a fire [to burn the heretic] and call for a celebration.' Furthermore, Caliph 'Umar exiled Nasr b. Hajjaj.<sup>2</sup>

Ibn 'Aqil's point is that the four caliphs who succeeded the Prophet did many things which could not have found their basis in an explicit statement of the revealed law. The basis for the permissibility of their actions, i.e. the welfare of the Community of Believers, did not contradict the revealed law.

## 2. The Oath of Allegiance to the Caliph

As representatives of the Community of Believers (*Umma*), it fell to the religious intellectuals to take the oath of allegiance to the new caliph. On the accession of al-Mustarshid (*caliphate* 512–529/1118–35), Ibn 'Aqil was called to take the oath. He is quoted relating the event, after mentioning that he had presented himself only after being thrice summoned for the purpose:

When I had finally presented myself to (al-Mustarshid), the Chief Justice said to me, 'Our Lord, Prince of the Faithful, asked for you three times.' I answered, 'That is due to God's grace on me and on the people.' Then I extended my hand, and the Caliph extended his noble hand to me, which I held in mine, after the salutation, and said, enunciating the formula of allegiance: 'I take this oath of allegiance to our Lord and Master, Prince of the Faithful, al-Mustarshid bi 'Llah ['Seeker of God's Right Guidance'], *provided* he follow the Book of God, the Sunna of His Messenger, and the conduct of the Rightly-Guided Caliphs, to the extent of his ability and power, and in return for my obedience.' Then I kissed the hand of mine that touched his, and kept it in position above my eyes longer than I had done in my oath of allegiance to al-Mustazhir, out of respect for him alone from among the other caliphs, in acknowledgement of the good that he had brought about, for his condemnation of the [illicit] musical instruments, and for his distinguishing himself by the conduct of his ancestor, al-Qadir.<sup>3</sup>

Ibn 'Aqil singles out al-Mustarshid, as well as his ancestor, al-Qadir, for his praise, showing his special admiration for them. Al-Qadir's edicts and the Qadiri Creed condemned Rationalism. If, in conspicuous silence, he passes over the latter's sons, al-Qa'im (*caliphate*: 422–67/1031–75), al-Muqtadi (*caliphate*: 467–87/1075–94), and al-Mustazhir (*caliphate*: 487–512/1094–1118), it is perhaps because the caliphates of the first two coincide with his own period of persecution and exile, followed by the Retraction and a period of five years of obscurity. If these two caliphs acquiesced to Ibn 'Aqil's exile, it was apparently to placate the *Shāfi'*, to attenuate the militancy of his activism. Al-Mustazhir's period is that of the construction of the East Side city wall, and his Prime Minister, Ibn Jahir, did nothing to stop the debauchery taking place during the construction.<sup>4</sup>

On being criticised for kissing the hand of the *sultān*, i.e. the Caliph, when he shook hands with him, Ibn 'Aqil had this explanation:

If my father had shaken hands with me, would you say that it was wrong, or that it was appropriate? Answer: 'Appropriate, of course' Ibn 'Aqil went on to say: 'The father's education of his child is an exclusive one; whereas the *sultān*'s education of the people is universal, and therefore all the more deserving of respect. The present State is ruled by him who has an intimate connection with it. How can the demands made upon him, who is involved with the present State, be considered the same as those of one who is free of it?<sup>5</sup>

Ibn 'Aqil's oath of allegiance was nevertheless made conditional upon the Caliph's guiding himself by the Qur'an and the Sunna, and modelling his conduct on that of the Rightly-Guided Caliphs.

### 3. Religious Intellectuals and the Governing Power

Ibn 'Aqil disapproves of jurisconsults who, seeking to further their own ends, associate with holders of power and, in return for support, issue them *fatwās* to facilitate the success of their policies. In so doing, the jurisconsult surrenders his autonomy vis-à-vis the governing power, rendering him incapable of practising successfully the principle of 'ordering the good and prohibiting evil'. Ibn 'Aqil censures a jurisconsult from Khurasan for trading his religion for the wares of this world (see below, under 'Censure'). He is not averse to service in government, so long as religious intellectuals, holding such posts, do not compromise their religious principles.

Ibn 'Aqil warns those jurisconsults in high places of personal risks as well. In the following passage, he advises them to be discreet in their relations with the holder of power, lest they become suspected of machinations against him. His advice shows that he was not a stranger to political *savoir-faire*:

Most of those who associate with the holder of power, because of their intense desire to give of themselves to him, by making a show of excellent qualities, and refining the methods of obtaining for him his wishes and objects of desire, reach a point at which they become heedless of what is proper. For the holders of power are habitually on the alert, and in fear of the deceptions of their enemies. When they sense, on the part of anyone, suppressed anger or a furtive glance, they immediately become wary of him; and wariness is a kind of banishment, for no closeness is due to someone whose machinations are feared, and they themselves invent deceptive manoeuvres for those who are close to them. Therefore, to feign inattention is a safer way of associating with them, than to fence with them, or show unwarranted interest with one's glances. The holder of power has a treasure which he does not care to show to everyone; he fears he will be robbed of it by those who, through knowing his circumstances, will come to know of its existence. The best part of wisdom is that one should not disclose oneself, through some disposition, to friend or foe, thus allowing fear to get hold of him.<sup>6</sup>

The wisdom of the foregoing passage is based on Ibn 'Aqil's keen observation of the notables of his times, in government and in commerce, as well as of jurisconsults in their relations with men of government and among themselves.<sup>7</sup>

Ibn 'Aqil avoided such relations with the sultanate, keeping his allegiance to the caliphate. After the death of Sharif Abu Ja'far, when he could freely get on with his life, he became a prestigious and most sought-after religious intellectual. He was one of the leading jurisconsults called upon to swear the oath of allegiance to al-Mustazhir in 487/1094, and later again, as already mentioned, to the latter's successor, al-Mustarshid, in 512/1118; at that time, one year before his death, Ibn 'Aqil was eighty-one (lunar)

years of age. In the following passage, we see him courted by both the Saljuq Sultan, Muhammad (*regnum: 498–511/1105–18*), the son of Malik-shah, and the Caliph, then al-Mustazhir. Apparently, Muhammad was coming to Baghdad to claim the Caliph's investiture as Sultan, though he had not yet eliminated his rivals. This was sometime before the year 495/1101,<sup>8</sup> when al-Mustazhir invested Muhammad as *sultān* and the latter's brother, Sanjar, as *malik*.<sup>9</sup> Ibn 'Aqil is quoted as follows:

I was told that Sultan Muhammad<sup>10</sup> had decided to come to Baghdad. So I went out, dressed in my *tailasān*, and sat on a hillside overlooking the road he was taking. When he arrived, he asked for me, and was told: 'There is Ibn 'Aqil.' He turned off the road, dismounted, sat beside me, and said: 'I have wanted to meet you.' He asked me some questions regarding ritual purity, then said to his attendant: 'What do you have with you?' The aide brought out fifty dinars. The Sultan said to me: 'Will you accept this?' I said: 'I am not in need. The Commander of the Faithful does not suffer me to stand in need of anyone. I cannot accept.' When I had left for home, there was a servant who came to me with funds from the Caliph [al-Mustazhir], who praised my deed. And I later was told that someone had been present, who was a spy for the Caliph, reporting to him what had taken place.<sup>11</sup>

For Ibn 'Aqil, religion must preserve its autonomy vis-à-vis the governing power, and religious intellectuals, particularly the jurisconsults, must keep their distance in order to preserve their independence:

When the legal guilds seek to triumph by means of an intermediary, such as sovereign power and a great number of adherents, or the security of favours bestowed, they do not deserve our attention. The only legal guild worthy of respect is that whose own proof renders it victorious, so that when it stands alone, unveiled, stripped in its simplicity of all protective aid and lavished wealth, it stands out in its state of purity and preservation from infirmities and the seeking of favours, like the jewel that needs no polish or ornamentation, like the beauty that needs no cosmetics. God save us from a legal guild that seeks its success only through an intermediary. For there is a system which would bankrupt its adherent of a saving argument or a clear line of reasoning to adduce in its favour. The truly religious man is he who frees proof from sovereign power and legal validity from recourse to the predecessors and, in his religion, he seldom relies on men.<sup>12</sup>

### 4. Consensus and Governance

Ibn 'Aqil distinguishes the process of consensus (i.e. the *ijmā'* of the jurisconsults) from the process of government. He sees the former as based on

the participation of the many; the later, on unicity, citing the 'Day of the Saqifa':

We have two ways to follow, one the end result of which is commendable only through the participation of the many; the other thrives through oneness alone, and the participation of the many vitiates it. The first is opinion (*ra'y*); for consultation is enjoined by the Qur'an, and all intellectuals are in agreement to make use of it and participate in it. The second is command (*imara*) and sovereignty (*mulk*), the success of which is not complete, nor its vitiation guarded against, except through unicity. The Qur'an has confirmed this in the following verse: 'If there were, in the heavens and the Earth, other gods besides God, there would have been confusion in both!' [Qur.21:22]. And, on the Day of the Saqifa, when the Ansar said, 'from us a leader and from you a leader,' someone replied: 'Two swords in one scabbard can never be reconciled.'<sup>13</sup>

Thus, with regard to the process of determining orthodoxy in the Islamic religion, where there are no councils or synods as in Christianity, the opinions of the many are needed in order to arrive at the best available one through the process of consensus. In governance, on the contrary, the unicity of the executive is necessary in order to avoid a house divided against itself. In such a system, the 'checks and balances' must come from the religious intellectuals, in the free, independent and unhindered application of the religious principle of 'ordering the good and prohibiting evil', when expressing themselves against corruption in religion and in government.

As for the separation of powers in classical Islam, the judicial power is under the executive; the legislative is God's, as interpreted by the jurisconsults on the basis of Scripture. There was therefore no organised system of 'checks and balances' as in modern government, which is based on the separation of the three powers: executive, legislative, and judicial. The only voice for the 'opposition' was that of the jurisconsults. Their opposition was expressed in the *fatwa*, applying the principle of 'ordering the good and prohibiting evil', which latter was also the obligation of every Muslim capable of applying it, by word, thought, or deed. It was, however, exercised especially by the jurisconsult, learned in the law, and representing the *Umma*, the Muslim Community of Believers.

### 5. Leadership and Statesmanship

The following passages shed some light on Ibn 'Aqil's ideas on leadership and statesmanship; he is apostrophising the statesman and leader. It is as though Ibn 'Aqil had in mind the caliphal Prime Minister, Rudhrawari (d. 488/1085):

I see that you have not rid yourself of bearing the burdens that people lay upon you. In youth, you sustain the disciplinary punishment of your teachers; and in adulthood, you bear the burdens of patience with the young. Have leaders ever tasted the sweetness of leadership, except by calmly bearing the difficulties of acquiring wisdom? And is it in the nature of wisdom but to swallow, in consecutive doses, the bitterness of discipline in youth, and of keeping one's calm, in old age, when faced with the insolence of the incompetent? Leadership rarely comes to him who cannot bear the burdens of statesmanship. The long and short of it is, nothing is gained without giving of one's own. Acquired knowledge is come by only at the expense of much labour, just as high rank is arrived at by laying out silver and gold.

No one has ever experienced pleasure without some sort of pain. If reasonable men knew what comfort there is in the ascetic life, the marketplace of worldly goods would stagnate: it would be in too little demand to entice bidders, and its beauty too faded to attract suitors. To place in jeopardy a priceless acquisition, in pursuit of what may well be unattainable, is to act without patience or prudence. And if to be venturesome is a sign of high ambition, then to be niggardly with what one acquires is a form of sound management.<sup>14</sup>

The following passage, from the extant volume of the *Funūn*, gives a glimpse into Ibn 'Aqil's social and political ideas. The first part of the passage presents his views on the social relations among men regarding their courtesy to each other; the latter, his views regarding the ruler and his subjects. Note his reference to the role of reason:

In a session of instructive conversations, we discussed how it happens that there is disparity among men when meeting each other, as regards the courtesy they show to one another, by the display of a cheerful mien, rising to receive one another, and by other manifestations of courtesy. And what is the source of rivalry in such meetings, and of contention for posts?

A scholar [meaning himself] answered: 'I say – with God's guidance to hit the mark: There is inequality among people as to their wordly lots in accordance with the means assigned to them by the divine decrees. Each attaches the greatest importance to that which was assigned to him. For instance, a person of distinguished family sees his family descent with pride and is imbued with a sense of greatness, to the point of considering others beneath him in dignity; especially if he is supported in his feelings by being the only such man of that descent in his quarter, or on the road on which he resides. Thus he is addressed with the titles *Saiyid* and *Sharif*, and those below him in family origin humble themselves before him in a way that obliges them to consider themselves beneath him in dignity. He

therefore becomes accustomed to being treated with deference by those people.

He then comes across another who sees himself endowed with another kind of excellence; for instance, a learned man among men of ignorance, who devotes himself to the study of the sciences, going to great lengths in deriving insights from them. His neighbours, the residents of his quarter, and his kinsfolk, fall short of his attainments, humbling themselves in the manner of the unlearned before the man of learning. Thus he sees himself as entitled to deference from those who lack his learning. And if he is of a distinguished family, he relates himself to it.

A third person gives all of his time to worshipping God, imagining in his seclusion that no stations in life deserve reverential treatment other than his own. He fails to keep up the social graces of society, and remains this way.

A fourth person is a man of distinction among his peers, a wealthy man among the poverty-stricken, occasionally charitable to them, so they treat him with deference, because of his charity or their avidity for his bounty. They abase themselves before him in the manner of persons covetous of his gifts; and he becomes accustomed to this treatment. So when a gathering brings them all together, each looks down on the other, filled with his own particular importance, which results in feelings of mutual aversion among men.

Now the adjuster in these situations is reason, through which justice is achieved for those who are just, and forgiveness for those who fall short of what is right, and are niggardly. If a man of reason meets a just man, he is content with his justice, and conflict between them disappears. But if he meets an unjust, arrogant man, ignorant of the ranks of others because imbued with his own self-importance, the man of reason is gentle with him and forgives him, relinquishing the respect due to himself, gratifying the man of ignorance and treating him with such respect as to satisfy him. Thus reason is the tranquilliser of all discord and intemperance.

In my opinion, a man of reason, who holds power and is obeyed, should not be indulgent, in contradistinction to his peers who are not in a position of power. I distinguish between the dominant man of power and a peer devoid of power, because we prize in the latter his modesty and indulgence, in the interest of avoiding discord, contention and disorder. As for the holder of power, when he straightens out those bent out of shape, deals vigorously with the arrogant, brings every one back from his overbearing attitude to his proper place and rank, his subjects will feel safe from the danger resulting from dealing vigorously with the arrogant, because of his power and dominion. Just as he determines the ranks of men, he reforms the aggressor when he

establishes his aggression, with both the presumptuous and their victims benefiting from his reform. This is because the presumptuous person, in his stupidity, is bound to come across an aggressive attacker. The attack of the ruler is preferable to us than that of the subjects, because the attack of the ruler prevents contention among the subjects, whereas their attacking each other leads to disorder.

How disgraceful it is for a man of reason to be in need of the ruler's reform! For it leads to the perpetuation of his punishment. In infancy he is under the discipline of his parents; when grown up, and in the prime of life, under the restraint of the teacher and professor; and when a mature man, under the restraint of the ruler, unable to dispense with his reform. When then will this person free himself from the restraint of men? This type of individual is never able to care for himself, but is always under someone else's care. He is, like a grazing sheep, in need of a shepherd. What good has he derived from reason? What influence has the revealed law had on his education? God preserve us from forsaking His tutorship and guidance, and contenting ourselves with the restraint of His creatures, our peers!<sup>15</sup>

## 6. Religion and Government in the Eyes of the Law

Law in classical Islam covered all aspects of life, both civil as well as religious. A passage in Ibn 'Aqil's *Funūn* illustrates the inseparability of the civil and the religious in the Islamic Community. For Ibn 'Aqil, that which applies to governance should therefore also apply to religion, as long as the application is in accord with the revealed law. Therefore, what holds good against those who would overthrow the government should also hold good against those who would overthrow religion. This is how he puts it:

Just as it is improper, regarding the king's policy, to forgive the person who seeks to overthrow the government by revolting against the governing power, it is also improper to forgive the person who has perpetrated condemnable innovations in matters of religion. For corruption in religion, by condemnable innovations, is like the corruption of governance by revolting against the king and inciting others to follow. Heretical innovators are the rebels of the revealed law.<sup>16</sup>

The law should relate to religion as it relates to government. As government can be overthrown, so also can religion be overthrown; and as government must be protected against the insurrection of seditious forces, so also must religion be protected against them.

## II. 'ORDERING THE GOOD AND PROHIBITING EVIL'

### *Preliminary Remarks*

Every Muslim is called on to 'order the good and prohibit evil'. The believer is called on to be committed, actively or passively, for, at the very least, it is important that he himself should not fall into complacency in the face of evil. He must react against all that contravenes the tenets of Islam. Because of the danger such behaviour might cause him, the law allows him to react in one of three ways: in thought, word, or deed. If he has not the physical strength to act, he may speak his mind. If he fears to express himself orally, or in writing, he may do so in his heart. The principle calls for both the condemnation of evil and the praise and encouragement of the good, and by extension, a critical examination of men and institutions. Ibn 'Aqil is seen practising this principle in the passages quoted below, which have been arranged here under the classifications of praise, critique, and censure.

### 1. The Principle's Significance in Relation to *Uṣūl al-Fiqh*

The principle of 'ordering the good and prohibiting evil', *al-amr bi 'l-ma'ruf wa 'n-nahy 'ani 'l-munkar*, contains two words, *amr* and *nahy*, which in their plural forms are used as the title for the fundamental chapter, *al-awāmir wa 'n-nawāhi*, the divine 'commands and prohibitions' of works on *uṣūl al-fiqh*. The faithful are God's agents on earth, who advise and warn, advocate and censure, in championing the good and denouncing evil. A basic characteristic of the Muslim believer is to be committed in the cause of God (*fi sabili 'Llah, pro Deo*); he is committed to walk in the path marked out by God's commands and prohibitions, and to see to it that his brother-Muslim, in any walk of life, does the same.

### 2. Requisites for its Application and Some Cases

In the absence of Ibn 'Aqil's *Irshād*, it is necessary to rely on what can be found of his statements, cited by subsequent authors, regarding what he considered to be the requisites for the censure of reprehensible acts. There is no way of knowing the chronology of his thoughts on the subject, due to the non-existence of the great bulk of his works. The chronological development of his thought being beyond our reach at present, some of the statements quoted appear to be contradictory. However, there is a sufficient number of passages, quoted by later Traditionalists, to determine the direction of his thought on the subject, in the later years of his life, especially in letters he wrote to high officials, as will be seen below.

Before censuring an act, should the censurer believe that it will cease as

a result of his censure? There are two opinions. The first is that he should; the second, reported as that of Ibn Hanbal, is that he need not. These two opinions are reported cited in Ibn 'Aqil's *Irshād*.<sup>17</sup> Ibn 'Aqil would apparently share the opinion of Ibn Hanbal. If a man witnesses a reprehensible action, and knows that his censure will not be accepted by the offender, should he keep silent? Ibn 'Aqil's opinion is that the censurer 'should do as much as he can to change the situation'. But he is also reported to have said that censure, in that case, is not permissible. A statement in Ibn 'Aqil's lost *Nihāyat al-mubtadi 'in* is cited to the effect that censure is obligatory only if the censurer knows that the desired effect will follow, and if no one else has already made the censure. He is also reported by Ibn al-Jauzi to have said that censure is obligatory if the censurer hopes that the desired effect will follow. Ibn Muflīh comments that it appears that Ibn 'Aqil believes that the censure is not abandoned; but he is also reported as stating that censure is not permissible in that case. Finally, if the censure is not obligatory, it would still be preferable to carry it out than to omit it.<sup>18</sup> On the question whether the offence no longer attaches to a person who disapproves of a reprehensible action, but resents the censure of it, Ibn 'Aqil said he came across a *fatwā* that the offence is not effaced. However, his opinion was that it may be dropped, and that this opinion was what appeared to be held by fellow-Hanbalis.<sup>19</sup>

Ibn 'Aqil is quoted, from his *Mu'taqad*, as stating that if someone does not know whether an act committed by a fellow-Muslim is lawful in the eyes of the revealed law, he does not have the right to apply the principle, either in praise or in censure. Ibn Muflīh adds that this was also the opinion of Qadi Abu Ya'la.<sup>20</sup> A requisite for applying the principle is that he who applies it must be of impeccable character. Censure from one whose own conduct is censurable would be a travesty. In illustration of this case, Ibn 'Aqil draws on his memory of an earlier period:

We have seen, in our time, Abu Bakr al-Aqfali, during the caliphate of al-Qa'im, when he undertook to censure a reprehensible deed, he asked to accompany him religious masters whose livelihoods were gained solely by the product of their own hands [i.e. not in the pay of others to whom they would be beholden, and whose money would be tainted]: masters such as Abu Bakr al-Khabbaz ('The Baker'), a pious master, who became blind from looking into the pit-baking oven; there also followed him a group of masters among whom there was not a single one who accepted alms [i.e. under false pretence], or who was defiled by accepting a dubious gift. All of them habitually fasted in the daytime and passed the night in prayer, men who wept in penitence for their sins, after reciting the Qur'an. When a calculating person followed him [i.e. to join him in his work], he turned him away, saying: 'When we allow our group to be frequented<sup>21</sup> by a calculating person, they will be defeated.'<sup>22</sup>

The two following examples of the principle's application have to do, in each case, with a simple believer admonishing an early caliph, the sole holder of power and authority in his day, and calling him to account for his actions. In the first example, it is the famous Abbasid Caliph, Abu Ja'far al-Mansur (*caliphate*: 136–58/754–75), of *Arabian Nights* fame, admonished by a person in the audience, who brazenly interrupts his oration when he had hardly begun the doxology. Ibn 'Aqil relates this anecdote showing the astuteness of the Caliph and his effortless eloquence, while illustrating that one needs to be sure of one's grounds before censuring, and that the censor should have no ulterior motive save that of serving God:

Abu Ja'far al-Mansur delivered an oration one day. He had no sooner finished saying, 'I bear witness that there is no god besides God', when a man from the last rows of the audience stood up and, interrupting him, said, 'I call your attention to Him Whom you mention. The person most obligated not to forget God is one who mentions Him in an oration, one who does not set aside obedience to Him while prodding others to obey Him.' To this the Caliph replied: 'I hear him who understands what God says. God forbid that I be a wretched tyrant, and that power lead me to sin; for "if I did, I would stray from the path, and be not of the company of those who receive guidance" [Qur.6:56]. But you, who speak out! It was not for the sake of God that you spoke. Rather you sought that it be said of you, "He rose, he spoke, and was punished, but he patiently endured it." I would hold the speaker in contempt were I to be concerned, or avail myself of an opportunity if I forgave. So beware! And you, the audience, beware of the likes of this interruption. For the religious exhortation has been revealed to us, and from us was issued its confirmation. Refer the matter back to those to whom it belongs; you will have dispatched it as they had received it.' And, with this, the Caliph resumed his oration as easily as if he were reading it from a written page, 'and that Muhammad is His servant and His apostle. The blessings and peace of God be upon him! ...' [i.e. as if nothing had happened.]<sup>23</sup>

Ibn 'Aqil cites another caliph's oration, one which he hesitates to invest with credibility, but which, if true, would be a good example of the principle's application:

Caliph 'Abd al-Malik b. Marwan [*caliphate*: 65–86/685–705], on pilgrimage to Mecca, delivered an oration there. When he reached the point at which the exhortation is given, a man from as-Suhān stood up and said: 'Easy, there, easy! You give commands, but you do not follow (God's) commands; and you interdict, but you do not subject yourself to (God's) interdictions; and you admonish, but you do not assent to (God's) admonitions. Are we to be guided by your conduct,

or are we to obey your expressed commands? If you should say, "Be guided by my conduct", why? and how? and on what authority? and who is to save us from God's wrath if we should model our conduct on the conduct of tyrants, oppressors, sinners, and traitors, who devour God's property time after time, and make the servants of God their slaves? [Note that, in Islam's economic theory, all that is created belongs to God, while men are only the trustees.] And if you should say, "Obey our commands, and accept our advice", how can one who deceives himself give advice to others? Or how can obedience be due to one whose honesty has not been confirmed, and whose testimony is not valid in Islam? If you should say, "Take wisdom where you find it, and accept a moral lesson from whomever you hear it", for what then have we given you control over the reins of our affairs, and made you the judge of our property and our blood? Do you not know that there are among us those who are more eloquent with all kinds of moral lessons, and more knowledgeable than you in the various [Arabian] dialects? If these be the requisites of the *imāma* (leadership), move yourself away from it, let go of its reins and release it, that there may hasten back to it those whom you have driven away throughout the land, and whom you have massacred in every vale. [At this point, an incomplete sentence, incomprehensible.] For every one of you there is a book (of deeds) He shall not bypass, and another book coming after it, "It leaves out nothing small or great, but takes account thereof!" [Qur.18:49]. "And soon will the unjust assailants know what vicissitudes their affairs will take! [Qur.26:227]." <sup>24</sup>

Ibn 'Aqil's comment points out the judicious character of the censure against the Marwanids:

This censure, although there be no good reason to refrain from believing it, yet is, in my opinion, unlikely in the days of 'Abd al-Malik, especially if he were accompanied by al-Hajjaj [d. 95/714]; otherwise, government with power would prevent the hearing of this foul speech, while its speaker is allowed to breathe easy. But if it is real, then it constitutes truthful exhortation, and inescapable objections made against the Marwanids. 'And God will judge with (Justice and) Truth' [Qur.40:20]; 'Every soul will be requited for what it earned' [Qur.40:17].<sup>25</sup>

Regarding the ruler's application of the principle of 'ordering the good and prohibiting evil', Ibn 'Aqil is of the opinion that the punishment should be commensurate with his rightful reaction to the crime, failing which the ruler runs the risk of losing face.

It does not behoove the king, nor any leader, to show anger, except in accordance with the amount of punishment he has prepared for it.

For if his assault falls short of his anger, his anger will be disdained, his wrath despised, and his impotence laid bare. There is a saying of the people in this regard: 'When a commoner becomes angry, a trifle will satisfy him.'<sup>26</sup>

On another occasion, Ibn 'Aqil points out a hypocritical application of the principle in the case of a Saljuq high official<sup>27</sup>: 'I have not seen the like of the self-contradiction of Bihruz [d. 540/1146]. He has prevented men and women from coming together in the same vessel, but has allowed them to come together in the brothel'.<sup>28</sup>

The application of the principle is set aside, with patience and tolerance exercised, in the case of the Community's pious and fools. In this regard, Ibn 'Aqil quotes an intellectual who gives the following advice:

To have patience with the fools of the family and the Community is better than uprooting them. For there is no glory for a people whose fools are few in number; how much less when non-existent. The same is true of the pious in the family (and the Community). For taking pride in them makes it necessary to have patience. There is no decency for a people who have no pious persons among them. The ignoramus is he who does away with the fools of his people for lack of capacity to suffer them, and who puts down the pious of his people for fear of their being presumptuous.<sup>29</sup>

The pious of the family and the Community deserve the patience of the faithful, even when overbearing, because of the benefits derived from their piety and wisdom; and the fools of the family and the Community deserve their patience, because they do not fall under the law's obligation.

### 3. The Principle as Gauge of the True Faith

Ibn 'Aqil places a great deal of importance on the participation of the faithful in the execution of this principle of 'ordering the good and prohibiting evil'. That he himself practised what he preached is amply illustrated in his written praise of great men for their service to religion and culture, and in the letters of censure and critique, which he addressed to high officials of government. Moreover, he uses the principle as a gauge of a Muslim's faith.

A person may be a Muslim until he lacks the means of livelihood. But our religion is built on the disintegration of this world and the soundness of the world to come. Therefore, he who trades his religion for the life of this world, will miss out on the next.<sup>30</sup>

The practice of 'ordering the good and prohibiting evil' demands courage, and the placing of one's trust in God. Pointing out the dangers attendant upon the practice of the principle, Ibn 'Aqil offers advice on how to

proceed in detecting false claims, and in discovering the truth about a man's true faith:

Faith has fragrances and outward signs which are not hidden from the notice of one under obligation to be aware and to scrutinise. It is rare that a person can keep something secret but that, with the passage of time, it appears in the slips of his tongue, and is plainly written on his face. Jurisconsults began to expose those who claimed deafness and blindness, after receiving blows; or loss of mind, after being beaten; or muteness, and other such defects, the truth of which cannot be known except by the claimant, and cannot be verified through the testimony of witnesses.<sup>31</sup>

Here Ibn Muflīh, omitting a passage on how to detect the mendacity of those who make false claims in contravention of the law, intervenes with the following remark:

Ibn 'Aqil mentioned the statements of our companions and others regarding the exposing of such claims, then he said: 'He who wishes to discover the truth about a man, when asked to do so, can go on to mention various opinions, or allude to them, and make references to acts held contemptible in the eyes of the revealed law, acts for which natural dispositions have a predilection, observing the while a cheerful reception of them, or an austere countenance at the mention of them, and the like. He continues this exploration until his interlocutor allows him to arrive at his quest through indications manifesting themselves. Understand this in a way that relieves you of any risks, the consequences of which you might not escape, and preserves you from an awkward position, or a slip, the danger of which would be difficult to avoid. Such is the manner of men of reason.'<sup>32</sup>

After describing these various ways of entrapment, Ibn 'Aqil addresses the dissimulator, whose silence in the face of reprehensible acts related to him has given him away:

Where then is the sweet odour of faith from you, seeing that your facial expression does not register any change [i.e. you are indifferent], let alone the fact that you do not utter a word, while the violation of God's law is perpetrated by every associate and every neighbour. The sins of disobedience to God continue, and blasphemy is ever on the rise; and the sacredness of the revealed law is profaned; and nowhere is there any repudiation, nor a repudiator, nor a separation from the perpetrator, nor a withdrawal from his company. Such conduct is the limit in the emotional frigidity of the heart and the submissiveness of the soul. But nothing of the sort has ever dwelled in a heart that held a bit of faith; for zeal is the least of the signs giving evidence of attachment to faith. Even if a person shielded himself in

every way, and refrained from all remarks, they [i.e. the dissimulators] would not allow him to speak frankly, because they are numerous and he is but one; and words have many ways in which they may be understood, and religious orientations are of many kinds; and each person has his orientation and venerates a certain person, and another censures that person and that orientation, and speaks in praise of another. Each person follows his own direction, cheerful at the praise of the person he likes, frowning at the censure of him, turning away from the censure of a doctrine he believes, and showing his aversion. The man of reason is he who puts his trust in God with respect to covering what must be covered, and uncovering what must be uncovered, not relying on himself; for, in doing otherwise, he will wear himself out, yet fail to reach his goal. Now if he does not brighten up at the mention of the caliphate of either Abu Bakr or 'Ali, when their caliphates are the subject of a disputation, nor is delighted by the doctrine of predestination or by its denial, nor by the adventitious character of the world or by its eternity, nor by the principle of abrogation in the Qur'an or the prevention of abrogation, the display of a calm indifference and an emotional coolness in this regard indicates that he is an infidel and has no faith. For if such a person had a belief that moved him, he would have been delighted by the advocate of his belief, and would have disavowed the person who denigrated it.

Woe to him who keeps secret the results of his scrutiny! The appeasement of people with various kinds of belief will have evil consequences in the Hereafter! To surprise them and openly confront them with their actions has evil consequences in the here and now, and amounts to risking one's life. On the other hand, he who participates in their devices will not escape from them. The best that one can do is to refrain from interceding and desist from meddlesome talk. But should one intercede, he should then put his trust in God to see to his well-being; and should he intend to bring out the truth for the sake of God, then God will preserve him and protect him from harm. Moreover, we have observed that nothing but good comes from the rejection of condemnable innovations.<sup>33</sup>

It is precisely this attitude that gave Ibn 'Aqil the courage to write his letters of censure to Chief Qadi Damaghani *fils* (d. 513/1119) and to Prime Minister Ibn Jahir *fils*.

#### 4. Circumstances Considered

Ibn 'Aqil enumerates deeds that must be judged according to their circumstances:

Among the reprehensible deeds are those which, when committed by legally obligated persons, are evil under certain circumstances, but not so under others, for instance, shooting with arrows, the use of pigeons, and armed entry. That is because to practise such activities in order to learn how to wage war, to become strong against the enemy, and to send messages by carrier-pigeon on matters of importance to the sovereign power and to Muslims, are good deeds, the disavowal of which is unlawful. But if these activities are intended to bring people to agree on committing unlawful and depraved acts, and to consort with people of doubtful and sinful character, then that would be an evil that must be censured. And he who neglects an act which is incumbent upon him, doing so without an excuse [the author inserts parenthetically that Ibn 'Aqil 'added, in *Nihāyat al-mubtadi'in*, 'a manifest excuse'] must himself be censured. And women have the right to leave their homes, unaccompanied, for the purpose of becoming educated. Finally, he who neglects the censure required of him, while capable of it, is to be censured.<sup>34</sup>

### III. APPLICATION OF THE PRINCIPLE

#### Preliminary Remarks

To *Kitab al-Funūn*, a book of religious as well as of *adab* (humanist) subjects, Ibn 'Aqil consigns much of his thought on men and institutions of his day, without neglecting those of the past, in censure or in critical appraisal, and frequently in praise. These writings were not undertaken to satisfy a mere whim on his part, a capricious turn of mind, but rather an obligation incumbent upon him as a Muslim and jurisconsult, according to the religious principle of 'ordering the good and prohibiting evil'. It is in writings such as these, belonging to the category of sermon-writing, that Ibn 'Aqil reveals himself as an eloquent sermonist, one of the greatest writers of Arabic prose, and an essayist of the category of Abu Haiyan at-Tauhidī (d. c.400/1010). He has praise for the notables and religious intellectuals of his time, even those who had persecuted him. He was not given to brooding over the past, or nursing grudges against those who harmed him. In these passages, he speaks of his professors and his patrons, of his colleagues, whether friends or adversaries, and of high officials of government.

He was keenly interested in the political history of early Islam. He defends al-Husain (d. 61/680), the son of Caliph 'Ali, against someone's accusation that he was a Khariji. He censures the Umayyad, Yazid I [*caliphate*: 60–4/680–83], the son of Mu'awiyah (*caliphate*: 41–60/661–80), in agreement with the opinion of Ahmad Ibn Hanbal and others. Yazid I, the second Umayyad caliph, was refused allegiance by 'Abd Allah b. az-Zubair,

and by al-Husain. He declares Sa'd b. Abi Waqqas (d. 55/675), a Companion of the Prophet and veteran of the Battle of Badr, superior to Mu'awiya. Yet Sa'd's son, 'Umar (d. 66/686), was passed over in silence, because of his part in the killing of al-Husain, and despite his father's eminence, for he had accepted, albeit under duress, to undertake the attack that resulted in the death of al-Husain. Ibn 'Aqil had an abiding admiration for 'Ali and his two sons, as he did for the Prophet's family generally. Ibn al-Jauzi quotes the following passage from the *Khatt* of 'Aqil, an autograph volume of the *Funūn*:

A man said: 'Al-Husain was a Khariji.' That had its effect on me. I said: 'If Ibrahim, the son of the Prophet, had lived, he would have been fit to be a prophet. Suppose that al-Hasan [d. 50/670, the son of Caliph 'Ali] and al-Husain – God be pleased with them – rank below Ibrahim, although the Prophet had called them his sons, would not the child of his child [i.e. of Fatima, the Prophet's daughter] be fit to become prophet after him? As for your dubbing him a Khariji and removing him from the rank of the imamate, in order to declare that the Umayyads are right, this is a matter that is approved neither by law nor by religion.' The adversary said: 'Why do you not, out of respect, pass over Yazid in silence?' I answered: 'Ahmad b. Hanbal and a group of religious leaders and scholars have censured him, and have not passed over him in silence. Moreover, there is no disagreement that Sa'd b. Abi Waqqas is one of the ten persons for whom Paradise has been confirmed, a veteran of the Battle of Badr, a member of the Consultative Committee, and superior to Mu'awiya, but people did not pass in silence over his son, 'Umar, because of what he did to al-Husain. Religion does not tolerate partiality.'

This master adduced as an argument that Yazid was generous, and that he gave 'Abd Allah b. Ja'far [d. 80/700] four million dirhems.<sup>35</sup> I said: 'What you are proposing in his praise is really in censure of him, because his gift amounts to squandering the funds of the Public Treasury of the Muslims, funds that do not belong to him. He who does this is to be censured, not praised. Moreover, he used to make gifts to people in return for their silence.' He said: 'Yazid was of the first century [seventh century AD], and the Prophet has said, "The best among you are those of my century, then those who follow them." I answered: 'But the Prophet had in mind all who belonged to that century, not the unrighteous squanderers. Indeed, in that second century there were al-Hajjaj and other tyrannical heretics, such as Ma'bad [read thus, instead of: Mu'id] al-Juhani [d. 80/699] and others.'<sup>36</sup>

Ibn 'Aqil gives evidence of his political acumen, in the following passage, when advising on how to deal with a person who has acquired high rank in government, and how to deal with him when he has lost it:

Do not expect a person, who has just been appointed to a high post, to have the same disposition towards you which you enjoyed before his appointment, lest he reject you and offend you. You would then be like the teacher who treats a former student, now matured, the way he treated him as a schoolboy. This would be like asking the intoxicated to behave like a sober person. For a high post has its own state of intoxication. Were it not so, God would not have said, 'But speak to him mildly' [Qur.20:44; this instruction is given to Moses and Aaron, who were to speak with Pharaoh]. And He illustrated it in the Qur'anic verse, 'Wouldst thou that thou shouldst be purified from sin?' [Qur.79:18; this has to do with Moses, who was to address Pharaoh who had revolted]. Thus He expressed it with a question, rather than by an injunction, because it was necessary to manage Pharaoh's pride. Likewise, regarding one who had an administrative appointment in government, a position of power, and whose destiny has relieved him of his post, it is no longer necessary, indeed no longer appropriate, to treat him in the same manner as when he had the exercise of high office.<sup>37</sup>

### 1. Praise

When praising his Hanbali contemporaries in the following passages, Ibn 'Aqil affords us glimpses of the intellectual life of eleventh-century Baghdad. He also speaks of the early Sufis, and of the eponym of his legal guild, Ahmad Ibn Hanbal.

#### *Admiration for the Early Mystics*

Ibn 'Aqil's admiration for the Sufis of old, including Hallaj, to judge by the survival of his treatise, the *Nuṣra*, is expressed in the following passage:

How strange the case of the mystic and the attitude of people towards him! Merchants neglect honour and reputation, in their efforts to seek profits and amass wealth, and they are not blamed. Lovers, adoring, passionate and enslaved by their love, are careless of honour and reputation in their submission to their beloved, and they are not blamed. People have thrown off all sense of moderation in their excessive love of horses, birds of prey and the hunt, and they are not blamed. But when some people, careless of their own persons, gave themselves over to their Lord, their accusers and detractors multiplied, condemning their words and deeds; calumnies of all sorts were heaped upon them, all manner of sin and dreadful deeds were attributed to them, and people said, 'They have taken leave of their senses!' Now everyone knows that those who surrender themselves to God cannot in reason be blamed, for there is no bounty or beneficence

beyond His own; His benefactions pour down upon us, and His grace is unceasing; He praises us for the little that we give, though He is the true Giver; and He is satisfied with that little, though He gives full measure.<sup>38</sup>

In another passage, written in the same vein, he says:

Woe to us from the fear of others! What sadness from listening to those who ignore the truth, and those who deny it! By God! Those worshippers who enjoy the special protection of God [i.e. the early Sufis] have not ceased to search, in their need to find solace in their supplications to Him, the open spaces of the mountain tops, the deserts and the waterless wastes, because of what they experience at the hands of the unintelligent. And the Great Messenger slips out from the bed of his wife to a secluded corner of the mosque to find solace in that private conversation with God. The intellectual ought therefore not deny life's troubles.<sup>39</sup>

#### *Ahmad Ibn Hanbal (d. 241/855)*

The following passage is a defence of Ahmad Ibn Hanbal as a jurisprudent, against the old criticism of Ibn Jarir at-Tabari, still repeated in Ibn 'Aqil's time:

Among the surprising things we hear from these young ignoramuses is the following: 'Ahmad (b. Hanbal) is not a jurisconsult, but a scholar of Prophetic Traditions.' Now that is the utmost limit of ignorance! For on his authority there were collected juridical preferences founded on the Prophetic Traditions such as to exceed the competence of the majority among them. On his authority also were collected fine points of law such as cannot be found in the work of a single one among them. Such criticism could be considered only by a heretical innovator, whose heart is split asunder, because of the obscurity of his doctrine and the wide diffusion of the religious knowledge of Ahmad; so that most of the religious scholars say, 'My fundamental principles in the roots of law are those of Ahmad, and my practical applications of the law are those of so-and-so.'<sup>40</sup> Suffice it, therefore, that he takes the place of all others as a model to emulate in matters of the roots of law.<sup>41</sup>

The above passage, as quoted by Ibn Shabib (d. 695/1295), includes Ibn 'Aqil's bibliographical list for Ahmad Ibn Hanbal, showing his familiarity with the master's works:

[1] *al-Musnad* ['The Compilation of *Hadiths* with their Chains of Transmitters'], which consists, in the augmented edition of his son, 'Abd Allah, one thousand *hadiths*, less forty; [2] *at-Tafsīr* ['The

*Qur'anic Commentary*'] consisting of one hundred and twenty thousand *hadiths*, some say one hundred and fifty thousand; [3] *az-Zuhd* ['Asceticism'], consisting of about one hundred fascicles; [4] *an-Nāsikh wa l-mansūkh* ['The Abrogating and the Abrogated Verses of the *Qur'an*']; [5] *al-Muqaddam wa l-mu'akhkhar fi l-Qur'an* ['The Pre-and Post-Positive Verses of the *Qur'an*']; [6] *Jawābāt as'ilā* ['Answers to Questions' [i.e. *fatwās*]]; [7] *al-Mansak al-kabīr* ['The Major Piety']; [8] *al-Mansak as-saghir* ['The Minor Piety']; [9] *as-Siyām* ['The Fasting']; [10] *al-Fara'id* ['The Law of Intestacy']; [11] *Hadīth Shu'ba* ['The Hadīth of Shu'ba (b. al-Hajjāj b. al-Ward al-Azdi, d. 160/776)]; [12] *Fadā'il as-sahāba* ['The Excellent Qualities of the Prophet's Companions']; [13] *Fadā'il Abi Bakr* ['The Excellent Qualities of Abu Bakr']; [14] *Fadā'il al-Hasan wa l-Husain* ['The Excellent Qualities of al-Hasan and al-Husain']; [15] *at-Ta'rīkh* ['The Diary'];<sup>42</sup> [16] *al-Asmā' wa l-kuna* ['First Names and Patronymics']; [17] *ar-Risala fi s-salāt* ['Treatise on Ritual Prayer']; [18] *Risala fi l-Sunna* ['Treatise on the Prophet's Sunna']; [19] *Risala fi l-Ashriba* ['Treatise on Beverages']; [20] *Risala fi Tā'at ar-Rasul* ['Treatise on Obedience to the Messenger of God']; [21] *ar-Radd 'ala z-zandiqā wa l-Jahmiya wa-Ahl al-Ahwā' fi l-mutashabih fi l-Qur'an* ['Refutation of the Heretics, the Jahmis, and the Sectarians, Regarding the Obscure Passages in the *Qur'an*']. He wrote numerous other works.<sup>43</sup>

This is the end of Ibn 'Aqil's statement, after which Ibn Shabib quotes Sharif Abu Ja'far, in reference to the works of Ibn Hanbal as follows:

They are innumerable and voluminous, perhaps one hundred thousand or more. His legal opinions [*fatwās*] are transmitted by two hundred persons, most of them leading scholars, themselves authors of works. His *hadiths* were transmitted by the notable among his own professors, such as Ibn 'Ulliya [d. 193/809], Waki', Ibn Mahdi [d. 198/813], Ma'ruf al-Karkhi [d. 200/815], 'Abd ar-Razzaq [d. 211/827], Ibn al-Madini [d. 234/849], Qutaiba [d. 240/855], and others. There is not a question in the fundamentals of the law, or their applications, but that he has an opinion regarding it, explicitly stated or alluded to. He was one of the sons of Dhuhl b. Shaibān b. Tha'laba [b. 'Ukaba], not of the sons of Dahl b. Sibān; his genealogy meets the genealogy of the Messenger of God in the tribe of Nizār.<sup>44</sup>

#### *Ibn al-Bazkurdī (d. 460/1067) and Ibn Zibibya (d. 460/1067)*

In the first half of the eleventh century, in Baghdad, these two professors of law gave courses in what is nowadays called 'adult education':

Among the fellow-disciples of Qadi Abu Ya'la, occupying Mosque chairs of law, were Ibn al-Bazkurdī and Ibn Zibibya, two doctors of the

law and professors of legal opinions. They had two *halqa*-chairs in the Rusafa Mosque, where they rehearsed the positive law, by commenting on the established doctrines in a way that benefited laymen.<sup>45</sup>

*Abu 'l-Hasan al-Amidi (d. 467/1074-5)*

Religious scholars exchanged invitations, meeting for evenings of hospitality in their homes for discussions on law, theology, and other subjects. As the cultural centre of the Muslim world, Baghdad was a model metropolis teeming with intellectual activity and scholarly production, imitated by other cities of Islam, east and west. Qadi Abu Ya'la's reputation brought students of law from other parts of the Islamic world to study under his direction, as in the case of Abu 'l-Hasan al-Amidi al-Baghdadi, whose hospitality was extended to Damaghani *père* and Shirazi, as related in the passage quoted below. Together with Amidi, these scholars belonged to the three surviving legal guilds of Baghdad at the time, the Hanafi, the Shafi'i, and the Hanbali, respectively.

Regarding al-Amidi, Ibn 'Aqil writes:

He reached the limit of knowledge in disputation, endowed with the virtue of civility. Masters Abu Ishaq ash-Shirazi and Abu 'Abd Allah ad-Damaghani, both jurisconsults, were his frequent visitors. He used to receive them in hospitality with delicious meals, and spend most of the night in discussions with them. It was said that he was the foremost legal scholar among all the followers of Qadi Abu Ya'la. I heard al-Mutawalli [d. 478/1086] say, on his return to Baghdad from a stay in Amid, that he had not seen, during his trip, a better disputant than Master Abu 'l-Hasan al-Baghdadi.<sup>46</sup>

*Sharif Abu Ja'far (d. 470/1077)*

Even fellow-Hanbalis, with whom Ibn 'Aqil had difficulties in his youth, find a place in his *Funūn*, where he praises them for their piety and learning. Of Sharif Abu Ja'far he says:

In the law of intestacy, he surpassed the members of his legal guild, as well as others. With the Caliph he stood in high estimation; so much so that the Caliph, on his death-bed, entrusted him with the ritual washing, out of a desire to be blessed by him. Now there were many objects of value around the Caliph which any other than he would have taken, and which would have sufficed him the rest of his life. But, by God!, he paid attention to none of them; on the contrary, he took his leave forgetting his own towel, so that it had to be sent to him. He was never seen to take a sip of water [i.e. during the month of fasting] in spite of the heat's intensity, nor ever observed to accept the hospitality of any worldly man.<sup>47</sup>

Note that there is no mention here of the Caliph's exasperation with his activist cousin; Ibn 'Aqil passes over it in silence, as he does with the whole affair of the Retraction. Rather he chooses, in the following passage, to bring out the positive side of the *Sharif*, admiring his juridical acumen in assimilating the Saljuq hordes of the year 447/1055 to highway robbers, despite the fact that their plundering was done in the city, on the reasoning that there was no one who could be called upon for help against the spoilers. Note also that this is another passage by Ibn 'Aqil referring to the Saljuq hordes in Baghdad. The experience was indelibly imprinted on his memory, in association with his being forced out of his Archway Gate Quarter, and the beginning of his legal studies under Qadi Abu Ya'la. This passage indicates the attitude of the religious intellectuals of Baghdad towards the coming of the Saljuqs. The following passage is that of Ibn 'Aqil referring to the *Sharif*'s opinion regarding the Saljuqs:

Among the points of law that I admire, of the leading jurisconsult and ascetic, the *Sharif* Abu Ja'far 'Abd al-Khalil b. 'Isa b. Abi Musa al-Hashimi – God make him honoured by all! – and his close examination of things, examinations too numerous to be counted, is what he said in the first days of the arrival of the Ghuzz (Saljuqs) in Baghdad, when they began to seize people's belongings in the streets, and the people were defenceless against them. So he, whose genealogy goes back to Abu Hanifa, said that they should be judged according to the laws applying to highway robbers, even if their actions took place in a city. For the exception the jurisconsults made for the city was based on the immediate accessibility of help, in consequence of which there could not be applied to robbers in cities the same laws that were applied to highway robbers in the midst of deserted areas. But in the present case, this definition [of highway robbery] does exist for the inhabitants of the city, for there is no one who can be of help against them [i.e. the Saljuq hordes], because of their power and their arrogant behaviour towards the people.<sup>48</sup>

*Ibn al-Banna' (d. 471/1078)*

Regarding Ibn al-Banna' who, like Abu Ja'far, was hostile towards him, Ibn 'Aqil writes as follows:

He was a master and leading scholar in several religious sciences, including *hadith*, the variant readings of the Qur'an, and classical Arabic, as well as a number of the humanistic fields, including moral philosophy, poetry and epistolography. He had a handsome appearance, was diligent in the practice of his religious duties, and was tutor to the children of the Jarada family.<sup>49</sup>

*Abu Ishaq ash-Shirazi (d. 476/1083)*

The Shafi'i Shirazi, one of Ibn 'Aqil's professors in *uṣūl al-fiqh* and the art of disputation, receives in the following passage high praise from him as a man of sincere religious devotion:

Our Master and Professor [Abu Ya'la], who taught us the art of juridical disputation, bore witness that Abu Ishaq al-Firuzabadi [ash-Shirazi] would not send anything to a person in need without first having thought of intending it *pro deo*; that he did not engage in a disputation without first having asked for God's assistance, and having formed a sincere intention to uphold the truth, without dressing it up or embellishing it for men; and that he never wrote on a subject without first having performed extensive prayers. Of course, his name travelled far and wide, and his works became known East and West. Such are God's blessings that come from sincere devotion.<sup>51</sup>

*Abu 'l-Wafa' Ibn al-Qauwas (d. 476/1083)*

Ibn 'Aqil's praise of the Hanbali Sufi, Abu 'l-Wafa' b. al-Qauwas (d. 476/1083), a man of piety and asceticism, illustrates Traditionalism's attitude against Rationalism in both of its contemporary forms:

He was skilled in the writing of legal opinions, of average skill in the art of disputation on the disputed questions of law, a leading scholar in Qur'anic science, ascetic, courageous, audacious, and piously attached to his mosque-college. His adversaries were in awe of him. Thus, when [the Sufi] Ibn az-Zauzani died [in 451/1059], and all Shafi'is of the various classes (*tabaqāt*) attended his funeral, during the period of the flare-up of the Qushairi [d. 465/1073] affair, and of the support they [i.e., the Ash'aris] had from Nizam al-Mulk, Ibn al-Qauwas was also in attendance. When the [funeral] proceedings had reached the point of the instructions being given to the dead by the gravedigger, Ibn al-Qauwas said to the latter: 'Move aside, so that I can instruct him myself, for this man followed the principles of our [Hanbali] guild.' Then he addressed the deceased: 'O servant of God, and son of His Community! When two gruff and uncouth angels descend upon you, be not anxious, nor have any fear; and when they put the question to you, answer them saying, "I am satisfied with God as my Lord and with Islam as my religion; I am not an Ash'ari, nor am I a Mu'tazili, but rather a Hanbali Sunni." No one dared to utter a single word. Had someone so dared, he would have had his head crushed by the inhabitants of the Basra Gate Quarter, to whose sons Ibn al-Qauwas had taught the Qur'an and jurisprudence, and who now formed a circle around him. But he was in a position of authority and power, not in need of relying on their support, for he was a whole community unto himself.<sup>52</sup>

Ibn al-Qauwas was unsympathetic towards *Shāfi'* Abu Ja'far regarding the case of Ibn 'Aqil.

*Ibn as-Sabbagh (d. 477/1084) and ad-Damaghani (d. 478/1085)*

In the following note, Ibn 'Aqil praises two of his professors of *uṣūl al-fiqh*, a Hanafi and a Shafi'i, in the following terms:

'With Chief Judge Abu 'Abd Allah ad-Damaghani, no one could hold his ground and satisfy, in a session of juridical disputation, like Abu Nasr b. as-Sabbagh.'<sup>53</sup>

*Ya'qub al-Barzabini (d. 486/1093)*

Ibn 'Aqil has high praise for Judge Barzabini, legal scholar and humanist, master of the judicial and notarial arts. Attorneys, who pleaded their clients' cases before him, had great respect for him as judge. Admired by all for his good sense and good judgement, Judge Barzabini was one of those Hanbalis who disapproved of the *Shāfi'*s behaviour in the case of Ibn 'Aqil. Of him, Ibn 'Aqil says:

He was the most expert judge of his day in the art of the judiciary and in the art of the notary. I have heard this from more than one person. And there is not a single attorney who has the same respect for any judge as he has for him. His judicial harangues in the well-attended court sessions, in the Department of the Judiciary, were so famous that he was compared to 'Amr b. al-'As (d. 43/664), and to al-Mughira b. Shu'ba (d. 50/670), among the Companions of the Prophet, in respect of the solidity of his good sense and good judgement.<sup>54</sup>

*Abu Bakr ash-Shami (d. 488/1095)*

Ibn 'Aqil writes in defence of his professor of disputation, Judge Abu Bakr ash-Shami, who was criticised for adjudicating on the basis of the science of physiognomy. Ibn 'Aqil points out that the judge was simply making use of circumstantial evidence:

Some people began to censure ash-Shami, saying, 'He used to adjudicate by means of the science of physiognomy', and they reproached him for it.<sup>55</sup> He once flogged a Kurd until he confessed his crime of seizing property by misappropriation; he flogged him with a branch stripped of its leaves, taken from the palm tree of his courtyard. I countered saying, 'I know him as a man of piety and integrity. His adjudication was not through the science of physiognomy, but rather through certain revealing signs. If you look closely into the revealed law, you will find that it allows reliance on such signs. Now if someone

had appeared before him, who was a heedless, thoughtless man, accused of throwing stones at the roof of a house because of a bird, and thereby breaking an earthenware water jar, and the judge had knowledge that the man makes use of carrier-pigeons, he would conclude, 'This man threw the stones.'<sup>56</sup>

### *Abu Muhammad at-Tamimi (d. 488/1095)*

A professor of Ibn 'Aqil, who had opposed Sharif Abu Ja'far in the affair of the Retraction, is Abu Muhammad at-Tamimi, nobleman, articulate disputant, master jurisconsult and sermonist. Of him, Ibn 'Aqil writes:

The great nobleman among the members of the Hanbali guild of law, in respect of his family, of his official position, and of his dignity, was Abu Muhammad at-Tamimi. He was one of the most wonderfully articulate disputants, the most prolific in the writing of legal opinions, and the best among men in respect of the art of the sermon.<sup>57</sup>

### *Abu 'l-Fadl al-Hamadhani (d. 489/1096)*

Note that Ibn 'Aqil was the intellectual historian of Baghdad; there is hardly anyone among its intellectuals that did not find a space in the lines of his *Funūn*. Of Abu 'l-Fadl al-Hamadhani, Ibn 'Aqil writes that he

was a religious intellectual, master of the science of lexicography, classical Arabic, intestacy, and computation; and the science in which he was the most proficient was that of positive law. Following the footsteps of the Fathers (Salaf), he was an ascetic with a pious fear of God, very religious; and he was a Shafi'i.<sup>58</sup>

### *Nur al-Huda az-Zainabi (d. 512/1118)*

Ibn 'Aqil notes the modesty of Nur al-Huda, who was for half a century the Professor of Hanafi Law of the Shrine College of Abu Hanifa. He was the second professor to hold the chair of law, succeeding to the post after the death of the first appointee, Ilyas, in 460, as noted in the *Diary* of Ibn al-Banna'. We know from the *Funūn* of Ibn 'Aqil that Nur al-Huda held regular sessions of disputation at his home. Ibn 'Aqil writes of the man whom he evidently admired for his knowledge, humility and self-effacement: 'Nur al-Huda used to say, "my father reached a level of religious knowledge which I shall never be able to attain."<sup>59</sup>

### *Abu Mansur Ibn Yusuf (d. 460/1067) and Abu Tahir Yusuf (d. 512/1118)*

Ibn 'Aqil speaks of his patron-protector, whose death left him exposed to

the pursuit of Sharif Abu Ja'far. In Abu Mansur, he sees qualities which he himself has: keen observation, and a talent for judging men. Note that his merchant patron hired *ahdāth*, clever, cunning young men, to ensure the safety of his merchandise from theft and vandalism, as well as for personal protection:

Abu Mansur Ibn Yusuf was the leading personality of our era. He was a discerning critic of the men of his time, assigning to each the occupation that most suited him. He employed, as bodyguards and merchants, the cleverest men he found among the young outlaws [*ahdāth*], robust in body and in mind. Thus he was never forced to submit to the opinions of others, nor was there so much as an article of his merchandise broken in commerce. To re-establish good morals, he made use of Hanbali masters, peerless individuals, ascetics who kept themselves above associating with men of power, and from competing with worldly men. Sought out by others, they sought the favours of no one. The common people venerated and cherished them, and men of power respected them. In his munificence he showered his gifts on the followers of 'Abd as-Samad (d. 397/1007), who were ascetics and leaders of the ritual prayers in the mosques, and assigned to them sufficient sums for their support. Through his generosity, he enslaved the popular story-tellers, the preachers and writers of sermons. He gave generously to the Hashimis and their *sharifs*. He then turned his attention to the city administrators and agents of the Sultan, and to the bedouin and Turkish commanders, keeping them in check with favours and gifts. Thus he succeeded in becoming respected and esteemed to a degree unattained by anyone, and consequently, caliphs and kings felt the need for recourse to his influence. He was never heard to mention a word alluding to any of his benefactions, or to a favour bestowed, or to a kindness toward anyone. He frequently visited people to inform himself of their needs; and he welcomed those who visited him to ask a favour, with even more respect than those who came to him without a request.<sup>60</sup>

There is another passage, in the extant part of the *Funūn*, on two patrons, the above-mentioned Abu Mansur, and Abu Tahir (d. 512/1118), Ibn 'Aqil's patron during the latter years of his life. In reminiscing about them, at the age of seventy-nine, Ibn 'Aqil contributes material for his own biography. In his twenties, he was the ward of Abu Mansur; and in his seventies, it was Abu Tahir Yusuf who saw to his needs. Abu Tahir, Secretary of the Treasury under Caliph al-Mustazhir, was executed by al-Mustarshid; he had held that high post from perhaps 505/1111, the date of a previous Secretary's execution, until 512/1118, the year of his own demise. This means that, for the period between 460 and 505, Ibn 'Aqil identifies no other patron by name; for instance, he mentions neither Ibn Jarada, nor

Ibn Ridwan, the two sons-in-law of Abu Mansur Ibn Yusuf, as patrons. In the first part of this passage, Ibn 'Aqil is speaking from experience when he describes the patrons and benefactors he came to know, out of need to survive the vicissitudes of the times. Note that, in this era, intellectuals were still in need of patrons to see to their subsistence, especially when they had no endowed chairs in mosques, or in the colleges of law. In the following passage, Ibn 'Aqil gives us a glimpse of the men of wealth in their relations with those who sought their help.

Recalling his patron, Abu Tahir Yusuf, Ibn 'Aqil, in his usual way of avoiding his own identification, introduces himself as 'a Hanbali who knows men well and has acquired life's experience, because of his advanced age and his sagacity':

Of men I have seen all sorts, and I have frequented great personages, prime ministers and high officials of the military and of government. Afflictions have descended upon me in good times and bad, in periods of abundance and in scarcity, in ease and in straitened circumstances. My experience with them was divided among many: he who lavished the best of gifts at the moment of request; he who gave graciously following a hint, dispensing the destitute from explicitly declaring their need; he who made necessary repeated visits, forcing the supplicant to reiterate his request; he who compelled the petitioner to resort to importunity and contention; and finally, the firmly determined one who was moved only by quarrel and assault.

I have not seen anyone who has followed a method of liberality in the performance of good works, depending on conditions of the times, without being asked, nor exposing anyone to the need of requesting a gift, except the late *Shaikh Ajall* ['Most Venerable Elder'] Abu Mansur Ibn Yusuf, and Abu Tahir Yusuf, Support of the Dynasty of the *Imām* of the Muslims, al-Mustazhir bi 'Llah. The former performed his charity, on days of dampness and rain, with firewood, cooking oils and overcoats. He had informants in his service, in order to keep abreast of people's needs. In the month of fasting he distributed food for the fast-breaking meal. And on feast days, he made gifts of clothing appropriate to the occasion, together with the customary alms due at the end of the fast of Ramadan, and the slaughter-animal for the Feast of Immolation.

And now we have the generous Majd ad-Din ['Glory of the Religion'] Zahir ad-Daula ['Support of the Dynasty', Abu Tahir Yusuf], who, on the occurrence of a great calamity, shared his wealth; and when sickness attacked, treated the afflicted; and when the month of fasting arrived, opened his gate and invited people in to sit at his tables for the fast-breaking meal; and to the proud and noble poor he sent excellent dishes of food for them and their families; and in the middle of the month of fasting, he gave alms, and made gifts of all sorts

of sweetmeats, and distributed purses of gold to those whom [other] gifts would not have been appropriate. And if the great rains thwarted those who had to work in order to earn their daily living, he would send them that which would compensate them for the loss of what they would have gained in commerce, or in wages working for others, and compensate them even beyond their losses. And when he heard of persons whose religious sentiments caused them to withdraw to the corners of mosques or monasteries, he set up pensions for them, following them into their hideouts, and entering into their monasteries.

As for me personally, I say: the first one brought me up and sheltered me until I was qualified to teach in a *halqa*, but they [certain Hanbali companions] opposed me. And he bore the expenses of my *halqa*, including the rugs and beautiful robes. The companions sought to put an end to this situation, several times, while I was in my twenties. When I had gone beyond seventy and approached my eightieth year, the Support [of the Dynasty] of the caliph al-Mustazhir bi 'Llah, Abu Tahir Yusuf, provided for my needs. He was the noblest of the two sides of his family. Whenever I pray to God, or bring others to love God's religion, or when I banish heretical innovations from the law of [the Prophet] Muhammad b. 'Abd Allah, may all of that be put on their scales. God is the judge of my trust in Him, regarding the good that I desire from Him for them. He sufficeth me, and what an excellent Counsel!<sup>61</sup>

According to Ibn al-Jauzi, Abu Tahir did not give al-Mustarshid (*caliphate* 512–29/1118–35), the son of the Caliph and his heir-apparent, the respect that was due him. On his accession to the caliphate, al-Mustarshid had him arrested and executed, after having divested him of his wealth. The way the caliph went about laying his hands on the wealth that his father's Secretary of the Treasury had amassed is typical of many another case in those times, such as that of al-Kunduri, stripped of his wealth by Nizam al-Mulk for the benefit of the Great Saljuq, Alp Arslan. Ibn al-Jauzi reports what happened to Abu Tahir Yusuf, when al-Mustarshid acceded to the caliphate. His source was a merchant, 'Abd Allah b. Nasr al-Baiyi', who had his information from Abu 'l-Futuh Hamza b. 'Ali b. Talha (d. 556/1161), a highly-respected official who, from the post of Chamberlain, became Secretary of the Treasury under al-Mustarshid, but left government service to devote himself to religious piety in the privacy of his home for twenty years before his death.<sup>62</sup> Ibn al-Jauzi quotes Hamza:

I was in the service of al-Mustarshid while he was heir-apparent. Ibn al-Kharazi [i.e. Abu Tahir Yusuf] used to be neglectful of him, and would put him off regarding his needs. I used to press him not to pursue that course, but he would say, 'I serve a young man in the prime of life', meaning al-Mustazhir. 'I do not care!' But al-Mustarshid, who

was angry with him, used to say: 'If I accede to the caliphate, I shall do such-and-such to him!' When he acceded, Ibn al-Kharazi took me aside and implored me: 'What am I to do?' I said to him: 'Now you ask, after treating him the way you did?' 'Look and see what we are to do.' 'Here is a man who has just acceded to the caliphate, and he has no money; redeem yourself with a purse.' 'How much?' 'Twenty thousand (dinars).' 'I cannot see that at all!' 'No, you must.' But he refused. So we waited to see the swift assault against him. But the Caliph bestowed upon him a robe of honour. Then, a few days later, another robe. So I wrote to al-Mustarshid saying, 'Is not this the man who did such-and-such? He wrote back [quoting the Qur'an]: 'Man is a creature of haste (soon enough will I show you My Signs)' [Qur.21:37]. Then, once again, he bestowed upon him a robe of honour. Then he ordered that he be arrested. He seized from his home more than one hundred thousand dinars, and vessels of gold and silver. Then we seized one of his slaves who knew his secrets, and on flogging him he indicated a room in the house from which we brought out a treasure-trove of four hundred thousand dinars. The Caliph then ordered us to execute him.<sup>63</sup>

### *Nizam al-Mulk (d. 485/1092)*

Ibn 'Aqil has high praise for the benefactions of the Saljuq Prime Minister, Nizam al-Mulk, especially the colleges of law which he founded based on charitable trusts in perpetuity. Such patrons, as private Muslim individuals, had an important role to play in founding institutions of learning, for the benefit of the public, in addition to their support of individual religious intellectuals, by providing them with pensions. In praise of Nizam, Ibn 'Aqil is quoted as follows:

We have seen, in our youth, religious intellectuals, ascetics and great personages with whom it was agreeable to associate. As for Nizam al-Mulk, his conduct dazzled the mind by his liberality, nobility and decorum, and by his revitalisation of the landmarks of religion. He founded colleges of law and instituted charitable trusts for them. He gave new life to learning, lifted the spirits of its people, reconstructed the two Holy Cities, built libraries and bought books for them. Thus knowledge flourished in his day, and religious intellectuals displayed arrogant behaviour toward the leaders among men of government. What do you think of a man who had the age in his pay? For he poured forth his favours so as to satisfy everyone. People were blaming the age, because of the penury of the means of subsistence and the bad times. But when his generosity had covered them all, they ceased to blame their times.

What I have said here reached a group of prime ministers and

other government officials, who recorded it,<sup>64</sup> and the intellectuals who heard it, approved it. On another occasion, I praised him with these words: 'He left men in his wake who gave no sign of life. As for the religious intellectuals and the poor, after him they were left bereft of their means of livelihood, because their pensions had come to an end. And as for men of eminence and the wealthy, they were inconspicuous, because there was no need for them; but when the needs reappeared, they found themselves incapable of bearing even a portion of the charity to which people had become accustomed. Consequently their shortcomings were revealed, because of the bad state of tempers. Thus the former are lifeless, because of deprivation; and the latter, because of censure; as for him, he lives on after his death by the praise of men for his times. Moreover, God granted him a martyr's death, thus giving him satisfaction as to his future life, just as he had given satisfaction to the religious intellectuals as to their material needs. He was certainly a boon that God granted to the people of Islam; but one for which they were not thankful, so it was taken away from them.'<sup>65</sup>

It is interesting here to come across some of the themes on generosity used by the poet Mutanabbi, a favourite of Ibn 'Aqil.

### 2. Critique

Ibn 'Aqil wrote to officials in the high ranks of government, advising them on their ritual duties, or criticising them for remissness in their obligations to the principles of the revealed law.

#### *Letter to Rudhrawari*

Abu Shuja' ar-Rudhrawari was Prime Minister of Caliph al-Muqtadi from 467/1074 to 484/1091. His trouble was obsessive compulsion regarding ritual ablutions, preparatory to prayers. He had the habit of repeating the ablutions, in the certainty that he had not performed them in strict accordance with the letter of the law. Ibn 'Aqil wrote to him, saying:

In the unanimous consensus of the jurisconsults, the greatest asset for intellectuals is time. It is a gain from which one must profit at every opportunity. Now obligations are numerous, and opportune moments are fleeting, and water is the least of things considered instruments of worship. He who studies the true nature of the divine law knows well the value of moderation ...<sup>66</sup>

Ibn 'Aqil dealt with this case of obsessive compulsion seriously, not in the joking way he did with another person who had sought his *fatwā* on the matter. A man is said to have approached Ibn 'Aqil with the complaint that,

no matter how many times he dipped into the water, he could not be certain that he had performed the ritual ablution. Ibn 'Aqil's reported answer was: 'Go on your way; you are relieved of the obligation of prayer.' Bystanders, astonished by the flippancy of his *fatwā*, asked him to explain. He answered:

The Prophet has said, 'Three have been relieved of legal obligation: the lunatic, until he comes to his senses; the sleeper, until he awakes; and the boy, until he reaches maturity.' Now he who dips into water a number of times, and doubts whether the water has touched him, is simply a lunatic.<sup>67</sup>

#### *Letter to Nizam al-Mulk in 484/1091*

When Ibn 'Aqil was told that Nizam al-Mulk wanted to be informed about the Hanbalis, who at the time were exchanging polemics and engaging in riots against the Ash'aris, he is reported to have addressed the following letter to the famous prime minister of the Saljuqs:

Those people [the Ash'aris] should be asked to give their opinion of our leader [Ibn Hanbal]. If they should agree on his perfect knowledge of the Traditions of God's Apostle, and concede that he was trustworthy, [there would be nothing more to say], for the revealed law is no more nor less than the spoken words of the Prophet and his actions, except for special cases in jurisprudence, wherein independent personal judgement is involved. Now we follow the doctrines of this very man, upon whom they agree to bestow the rank of unimpeachable witness; and, as for them, they follow the doctrines of people who, according to our unanimous agreement, are free from condemnable innovation. If they agree that we follow the doctrine [of Ahmad b. Hanbal], they should accordingly agree that we are, along with him, safe; for he who follows one who is safe, is himself safe. But if they accuse us of having abandoned the doctrine [of Ahmad b. Hanbal] and having followed opinions contrary to the consensus of the juriconsults, then let them say it, so that the answer may be given to fit the accusation. And if they say, 'Ahmad b. Hanbal was not an anthropomorphist, but you yourselves are,' we shall answer them saying, 'Shafi'i was not an Ash'ari, but you yourselves are.' Now if you have been the victims of a lie, we too have been such victims.

But as for us, we shun metaphorical interpretation and, along with it, reject anthropomorphism. We can therefore be accused only of having neglected vain discourse and scrutiny into the minutiae [of *kalām*-theology], practices which were not the way of the Fathers. Besides, what do these people who blame us want of us, seeing that we do not compete with them in the race for the goods of this world?<sup>68</sup>

#### *Letter to Sultan Malikshah*

The following letter was sent to Malikshah, the third and last of the Great Saljuqs, when Ibn 'Aqil heard that the Sultan had had discussions with Batini propagandists, influencing him towards scepticism.

Know, O King,<sup>69</sup> that these vulgar people and ignoramuses seek God only by way of the senses, and, not finding Him, deny His existence. But such a method is not suitable for men endowed with a sane turn of mind. For we have existents which escape the notice of our senses; and yet, they are not denied by our reason. Indeed, it is impossible for us to deny them, because reason is engaged in establishing them with certainty. When anyone of these people says to you, 'Nothing is established with certainty except what we can see with our eyes', it is in this way that heresy is introduced into the minds of the ignorant vulgar herd, who, moreover, find tiresome the imperative and prohibitive commands of God. They do see that we have these bodies, in three dimensions, that grow and are capable of receiving nourishment, and from which emanate the sciences, such as medicine and geometry. They therefore realise that all of this comes from something beyond these mutable bodies, namely, the soul and reason.

When we ask them, 'Have you conceived these two things through any of your senses?', they say, 'No, we have conceived them by way of inductive proof, through the effects proceeding from them.' We then ask, 'How then do you happen to deny the existence of the one God, on the pretext that He does not enter within the field of your perception through the senses? And this, in spite of what emanates from Him, such as the creation of the winds and the stars, the setting in motion of the celestial bodies, the production of plants, the regulation of the seasons? And just as this body has reason and a soul, without which it cannot subsist, but which escape the field of sense perception, and the rational proofs of which give testimony through their effects, so also the existence of God is established with certainty by reason, because of the immediate perception, through the senses, of the effects of His creations and of the perfection of His acts.'<sup>70</sup>

In the following passages, Ibn 'Aqil gives a critical appraisal of his fellow-Hanbalis, as members of a legal guild, and as a community. He also deplores the inconstancy of men in general, of religious intellectuals in particular, and the times at the turn of the century.

#### *The Hanbali Legal Guild*

There is, in Ibn 'Aqil's critique of the members of his legal guild, high praise for the religious life of his fellow-Hanbalis, while taking them to task for not being actively committed to the teaching of their doctrine in the

colleges of their guild; for the colleges were the guilds' recruiting centres.

This guild is wronged only by its own members. For when a member of the Hanafi or Shafi'i guilds excels in religious science, he is appointed to the post of judge, or to some other position, which becomes his means of acceding to the professorship of law and pursuing scholarly work in the field of religious science. As for members of the Hanbali guild, rare are those who become ever so little acquainted with religious science without its leading them to prayer and asceticism, so great is the hold which the good has over these people. But they cut themselves off from becoming actively involved in the teaching of religious science.<sup>71</sup>

### *Candid Characterisation of the Hanbalis*

This second critique of the Hanbalis shows Ibn 'Aqil's intimate knowledge of the members of his legal guild, his frank characterisation of them, and his genuine esteem for them. Besides his respect for, and veneration of, Ahmad Ibn Hanbal, he extends his sympathy to the Hanbalis themselves, preferring their religious sincerity and ingenuousness to the hypocrisy of other men of learning. Ibn Rajab gives the diarial sources, inextant, in which the passage is found – the *Diary* of Abu Muhammad al-Birzali (d. 739/1339), who has it from the *Diary* of Diya' ad-Din al-Maqdisi, who wrote as follows:

Someone wrote to Abu 'l-Wafa' b. 'Aqil, with the following request: 'Characterise for me the followers of Ahmad [Ibn Hanbal], according to the fairness for which you are known.' In answer to this request, Ibn 'Aqil wrote:

'They are an uncouth folk, whose inner dispositions withdraw from social intercourse, and whose natures are too coarse to ingratiate themselves with others. Seriousness prevails among them, and they have little to do with jest. Their souls are strangers to the baseness of hypocrisy. They are frightened off from arbitrary personal judgements, taking refuge instead in the Prophetic Traditions. In their avoidance of metaphorical interpretation, they cling to the external sense of the Scriptures. The performance of good works gets the better of them; consequently, instead of seeking to examine closely the obscure sciences [for example, *kalam*], they prefer to deepen their experience of ascetic piety. Of the sciences, they take what is susceptible of literal understanding, and of those which go beyond they say, 'Only God knows how well they accord with the will of the Creator'. I do not remember a single instance of an anthropomorphic interpretation on the part of anyone among them. This calumny has overwhelmed them simply because of their belief in the

external sense of the Qur'anic verses and the Prophetic Traditions, without resorting to metaphorical interpretation, or to denying their literal meaning. But God knows that I do not believe there exists in Islam a community that tells the truth, and is exempt of condemnable innovations, except the community that follows this road. And on this note, I leave you.'<sup>72</sup>

### *The Times at the Turn of the Century*

At the age of seventy-nine, Ibn 'Aqil comments on the age in which he was living. He sees himself as a historian of Baghdad, for his *Funūn* is a *ta'rīkh*, i.e. a 'diary' – in his case, a diary of the religious, social, political, and intellectual culture of Baghdad. He speaks from his own experience, having himself put his trust in contemporaries and found them wanting. And although he is known to have a great deal of tolerance for the vagaries of his fellow men, here in the following passage, as in others, he strikes a cynical note. Introducing himself as 'a person fully acquainted with this age and its men', he writes:

To have a good opinion of this age and its men is to be weak-minded; to have hope for them is to be greedy; to put one's trust in them is vitiated thinking. He to whom their conditions have become unveiled, yet likes their company and to be on intimate terms with them, will be deceived by no one but himself. God sees him whom He has caused to endure His trial and affliction; for He has related the stories of the Ancients, what they did and what they experienced; and He revealed the conditions of the successors who acted in the same way, like him who was not deterred by those stories, nor cautioned by reflection. He is like the moth which, unsteady in the light, plunges into the flame and burns itself. May God not have in His mercy him who is of this sort: one who, with eyes wide open, leaps into the Fire.<sup>73</sup>

### *The Inconstancy of Men*

A recurrent theme in Ibn 'Aqil's *Funūn* is the inconstancy of men of his period. He cites a case in point, that of the pious prime minister, Rudhrawari, caught between caliph and populace; when he had to bear down on the rioters, the people turned against him:

Prime Minister Abu Shuja' [ar-Rudhrawari] was very charitable to the people, kind and friendly towards them. On his return from the pilgrimage to Mecca, it happened that the people were engaged in a riot in which blood was shed, and the riot spread to such an extent that the people attacked the caliphal Chancery of State, knocked down the doors, and tore down the curtains [screening the Caliph

from public view]. The Caliph sent a message to the Prime Minister, reproaching him for his benign policy toward the people, and ordering him to be stricter, so as to put an end to the popular disorder. The Prime Minister disciplined, beat, and bore down with violence. The tongues wagged freely against him with all manner of accusations, going so far as to say of him, 'There! He is an Isma'ilī' and down came tumbling all the good that he had done for them. So I thought to myself, 'My soul! Rid yourself completely of people, and never put your trust in them! Who is capable of the good treatment he has given them? And yet observe what they are saying about him!'<sup>74</sup>

### *The Influence of Men on their Times*

Ibn 'Aqil speaks of the influence of Abu Mansur and Nizam al-Mulk on the development of the legal guilds in Baghdad, and on the religious movements of Traditionalism and Rationalism, and he regrets the absence of such men as Abu Mansur Ibn Yusuf and Abu Shuja' ar-Rudhrawari from the scene:

I have noticed that most courses of human action undertaken by people are attributable to others who happen to be on the scene, except for those in God's protection. Thus have I noticed that, in the days of Abu [Mansur Ibn] Yusuf, the number of Qur'anic scholars and those who spoke up against moral turpitude increased, through the respect in which the Fellows of 'Abd as-Samad were held; and the students of Hanbali law grew in numbers. Then Abu Mansur died, and this development lapsed.<sup>75</sup> Then Ibn Jahir [*père*] appeared on the scene. I noticed those who drew close to him, acting as his spies on government officials. Then came the administration of Nizam al-Mulk, who greatly enhanced the position of the Ash'aris. I saw a person who became angry with me for denying the charge of anthropomorphism, and who exceeded the proper bounds in calumniating the Hanbali guild; and it seemed that my hatred for the adversaries lashed back at me in calumnies against the Hanbalis. His words were like those of a Rafidi who, arriving at the Shrine of al-Husain, feels secure and professes his true faith.

I also noticed many members of the various guilds change their memberships, become hypocrites, and bind themselves to Ash'arism and the Shafi'i guild of law, in their greed for high rank and pay. Then I noticed Prime Minister Abu Shuja' [ar-Rudhrawari] religiously take up the affection of pious men and ascetics. Whereupon, the idle forsook the world and took to the mosques, and many persons, acting single-mindedly, sought to become ascetics. When I had examined this state of affairs, I asked myself, 'Have you obtained from this examination something that can be of benefit to you?' And keen insight replied, 'Yes, I have learned that to trust people is to be deceived; that

to seek freedom from want through them is to become bankrupt; and that one should put his trust in none other than God!'<sup>76</sup>

### *Divine Providence and the Times*

This next passage is on the same theme. Ibn 'Aqil has himself in mind here; he is addressing himself as well as his reader. Note that he blames the age for the inconstancy of men; and as the age is inconstant, so also its people. Nevertheless, God's purpose is being served:

The people of this generation are incapable of constancy. No sooner do you see one of them friendly and passionately in love, than you see him in a contrary state of boredom and discomfort. He who blames them is unfair to them, just as he who puts his trust in them is doomed to failure. For if he examines closely their condition, he will see them enveloped in the tyranny of destiny, under the sway of fate and change. Moreover, the age is characterised by inconstancy; more so are its people. Now if God introduces hostility between you and men, He is but orienting you towards Himself, inviting you to surrender yourself to Him assiduously. Therefore be grateful for their bad treatment of you. If they had treated you well, they would have cut you off from His company; for you are a creature in need of a piece of bread, a word of affection. The least of things would turn you away from God, and dedicate you to men.<sup>77</sup>

### *The Lack of Religious Intellectuals*

Ibn 'Aqil is in a similar mood when he relates the following event in his *Funūn*: 'Nizam al-Mulk entered Baghdad towards the end of the year 480 [AD 1088], but did not find a single person he could point to as a religious intellectual'.<sup>78</sup> He is also in this mood when rejoicing at the lack of historians in Baghdad after the death of Ibn as-Sabi (d. 480/1088), because there were no men of virtue left, and the absence of someone to chronicle the period served as a veil to cover up the shame:

At a meeting I attended at the home of a leading personality, the latter remarked, 'Has there remained in Baghdad a historian after the death of Ibn as-Sabi?' Those present said, 'No.' The host complained, 'There is no power nor strength except in God! Can it be that this great city lacks a historian?' A Hanbali said [meaning himself]: 'This is a situation for which God should be praised! For when the city was filled with the best of people, and men of virtue, God sent it historians to chronicle them. But when such men were gone, and harmful men of despicable deeds remained, He wiped out the historians; and that served to cover up the shame.'<sup>79</sup>

Note that the word used for historian, in this passage, is *mu'arrikh*, ('diarist'). The history of Ibn as-Sabi was of the *ta'rīkh* (diary) type, in which the annalistic and the biographical were intermixed. Ibn as-Sabi was the best 'diarist' of the period, one who covered the political, as well as the cultural and religious events of his time. There were other contemporary *ta'rīkh* historians, but their reporting was confined to more parochial interests.

### 3. Censure

#### *Censure, Excommunication, and Pain of Death*

In the *Mu'taqad*, Ibn 'Aqil states that the following persons should be socially ostracised: the unbeliever, the sinner, the heretical innovator, and the propagandist of an innovation that leads astray; and he adds, 'so that it serve as a disapproval of his deed, and to reform him.' The true Muslim is identified by the way he deals with the heretics of Islam. Ibn Muflīh adds that Ibn 'Aqil adduced arguments in support of his opinion, and suggested how to distinguish the true believer from those who lack sincerity:

When you want to know the place of Islam in the hearts of your contemporaries, do not contemplate their crowding at the doors of mosques, nor their clamouring at the pilgrimage station with their cry of 'Here I am, Lord, at Thy service!' Rather consider their collusion with the enemies of the revealed law. Ibn ar-Rawandi [d. 245/859, or 250, or 298] and al-Ma'arri [d. 449/1058] – God's curse be upon them! – spent their lives writing poetry and prose, the former telling foolish tales, and al-Ma'arri saying, 'They repeated falsehoods and manifestly severed the bond of union.' And they said, 'We believe'; and we said, 'Yes', meaning, as false, the Book of God. They lived many years, and their tombs were venerated, and their books were purchased. This bespeaks coolness of heart towards the religion.<sup>80</sup>

Here Ibn 'Aqil uses the principle of 'ordering the good and prohibiting evil' as a gauge of the faith of the community as a whole.

For Ibn 'Aqil, a Muslim is excommunicated when he renounces the *shahāda*, the testimonial word; and an excommunicant is recognised as having reconverted to Islam when he pronounces the testimonial word or when he reverts to performing the ritual prayer. His Shafi'i contemporary is reported to have brought up, during a disputation, an objection to the opinion which excommunicated one who had renounced ritual prayer, and he claimed that the objection could have no rebuttal. 'When this man [who has renounced ritual prayer] wants to revert to Islam, with what will he declare himself a Muslim? He did not leave intact the testimonial word of Islam.'<sup>81</sup> To this, Ibn 'Aqil responded:

His excommunication resulted only from renouncing the ritual

prayer, not from renouncing the testimonial word. So when he reverts to performing the ritual prayer, this reversion will become his declaration of Islam. For that which indicates the Islamic character of an excommunicant is the testimonial word or the ritual prayer.<sup>82</sup>

According to Ibn Qayim al-Jauziya (d. 751/1350),<sup>83</sup> Ibn 'Aqil is of the opinion of Malik and some Hanbalis, as regards the pain of death for the missionary of heretical innovations; namely, that it is lawful, as in the case of the execution of a Muslim spy, if his execution is required for the general welfare of the Muslim Community. Some Shafi'is and Hanbalis had a similar opinion regarding the missionary of heresies, such as Jahmism, Rafidism, and the deniers of predestination.<sup>84</sup>

#### *Letter to Prime Minister Ibn Jahir in 488/1095*

This letter to Ibn Jahir *fils*, Prime Minister of Caliph al-Mustazhir, censures him severely for being in violation of the revealed law, because of the debauchery and lewd activities of the workers on the construction of the wall ordered by the Caliph, and overseen by the Prime Minister.

Were it not for belief in the truth of the Resurrection, and that we are destined for an abode where I hope to be in a state that I can praise, I would not have shown myself openly hostile to him who holds power in my time. It is therefore in God that I put my trust in all that I am about to say, after having given evidence of my love for Him, and of my zealous enthusiasm for His law. But if the religion of Muhammad were to be compared to that of the Tribe of Jahir, I swear by God that I would not prefer the latter to the former! For were I to do so, I would be an infidel.

I therefore say that if this violation of the revealed law is for no other reason than to display hostility to its divine Legislator, what business have we performing these sessions, where we several times perform the recitation of the Qur'an in its entirety, and where we recite the Prophetic Traditions? When we experience the calamities of our times, we give instructions to perform entire recitations of the Qur'an, followed by invocatory prayers. Then, once the danger is over, we go back to the drums, to the great copper trays covered with dishes of food, to the effeminate, to the puppet-shows, to the exhibitionism of men disrobing in the presence of women, with the object of consigning the revealed law to oblivion.

I do not believe, O Sharaf ad-Din, that you are in a position to face one of God's wraths! I wonder in what state you are thinking of facing Muhammad? Were you to see him in your dreams, frowning, the experience would most certainly alarm you when you wake up. What respect is left to us with God for our faces, our hands, and our

tongues, when we bow our heads prostrate before Him? And then, how can you demand of the troops to kiss a threshold and touch the earth with their lips? How can you prescribe legal punishments at the Palace Court for a glass of date-wine, the legal character of which is in dispute, while the common man immerses himself, to his heart's content, in alcoholic beverages, the prohibition of which is established by the unanimous consensus of the doctors of the law? Add to that, the adultery in evidence in the Badr Gate Quarter, and the silk garments worn by all the civil servants and courtiers. Keep clear, O Sharaf ad-Din, of God's wrath, for neither Heaven nor Hell can withstand it!

If my condition is brought to ruin by what I have said, perhaps God will be kind to me and will suffice me against violent anger. Do not blame us, moreover, for wanting to confine ourselves to our homes, and hide ourselves from the people. For if they were to ask us questions [i.e. solicit *fatwas* from us jurisconsults], we would make them see the enormity of their turpitudes, we would repudiate them, and we would bewail the lot of the revealed law! See here! If there were to come from God a reproach in a dream, or on the tongue of a prophet, supposing the divine revelation as still a possibility, or better still, if it were to be communicated by way of inspiration to a Muslim endowed with the pious fear of God, do you suppose that such a reproach could be addressed to any other than yourself? Have then the fear of God, and you will find your strength in knowing the power of His wrath. For God has said: 'When at length they provoked Us, We exacted retribution from them.' [Qur.43:55]

The panegyrics of poets, the flattery of those who enrich themselves in the shelter of your administration, the wealthy cowards who, in their petty interests, sacrifice God for you and approve your methods, have all made you proud in your own eyes. But the reasonable man is one who knows well his soul; he is not fooled by the flattery of those who know it not.<sup>85</sup>

#### *Two Letters to Chief Judge ad-Damaghani, fils*

The following two letters, addressed to Chief Judge Abu 'l-Hasan ad-Damaghani, the son of one of Ibn 'Aqil's professors, in unrestrained censure of him, stand in stark contrast to the admiration he had for the judge's father. Following is the text of the first letter:

Who will excuse me, if I requite this man for his action, and will not blame me for it? He grew up under the protection and tender love of a father who experienced both good fortune and bad, and paid with the joys of life for the pursuit of religious knowledge – a father whose excellent mind was unanimously recognised by his contemporaries, just as the religious intellectuals agreed as to the wealth of his knowledge.

It happened that his father was appointed to the post of Chief Judge, under the administration of the Turks and the Turkomans, who respected the [Hanafi] legal guild to which he belonged. This was at a time when there were others among his contemporaries who were, in many respects, superior to him, such as Abu 't-Taiyib at-Tabari, or who were more worthy of leadership in the field of law, such as al-Mawardi [d. 450/1058], Abu Ishaq ash-Shirazi and Ibn as-Sabbagh. It was that period's circumstances<sup>86</sup> that gave him precedence over his peers, and over those who surpassed him by their superiority and by their family origins. He was therefore the most grateful of men for God's blessing. He appointed persons who ranked below him in social class, and he honoured jurisconsults who were superior to him in knowledge. This he did to such a point that God made him see in himself more than he had desired from his Lord, and overwhelmed him with happiness beyond his imagination, since he saw with his own eyes Abu 't-Taiyib at-Tabari, the equal of his professor, as-Saimari, take up his place beside him as a witness-notary, and protect him in the solemn processions of the Chancery of State. And when Abu Muhammad at-Tamimi treated him with arrogance [refusing to become one of his witness-notaries], he did his best to placate him, refusing to treat him other than respectfully, and used to visit him on occasions of joy or sorrow. Al-Qa'im even offered him the position of Prime Minister, but he refused to go beyond the post of Chief Judge.

However, when his son succeeded him, surprisingly he took a road by which he abandoned the one his father had taken. He appointed to posts the [layman] sons of shop-keepers, and deprived the sons of men of religious science of their rights. He admitted craftsmen [*arbāb al-mihān*, i.e. men not learned in the law] as witness-notaries, and in his judgements favoured libertines whose finery of silk and gold attested to their lack of piety. He prohibited judges from adjudicating, except according to the personal doctrines of Abu Hanifa, Abu Yusuf and Muhammad [i.e. instead of on the basis of *ijtihād*]. In his judicial sessions, he shouted at the top of his voice that there no longer existed on earth a jurisconsult of independent legal scholarship [*ijtihād*], not realising the harm implied by these words; for what we have here is disobedience of the consensus, which is the surest source of the law, and besides which we have no other infallible proof. God instituted consensus in this law next to prophethood, inasmuch as the Prophet of this law is the seal of the prophets, whom no other prophet will succeed. He therefore instituted the principle of the consensus of His community, instead of the principle of the continual succession of prophet after prophet.

Abu 'l-Hasan knows well that there is a distinct preference over

him for the Chief Marshall of the Nobility. He has turned away from the exercise of justice, and has arrogantly taken to treating people without regard for their seniority, their knowledge or their lineage. He has therefore come to be detested in the hearts of men, and those who have had no need of him have neglected him. May God reform him for himself! For how perfectly capable are we of doing without him!<sup>87</sup>

Note that Ibn 'Aqil mentions twice Damaghani's *laqab*, 'Sharaf ad-Din', an honorific title meaning 'honour' or 'pride' of the religion, which appears to be an intentional irony. Note also that Ibn 'Aqil speaks out even though he might be punished. He does so because of the precept to 'order the good and prohibit evil', and he does it in the way he can, 'by word of mouth'. The precept is incumbent on every Muslim, *a fortiori* the professor of *fatwas*. It is precisely the *ijtihad* of the jurisconsults that Damaghani *fils* wishes to wipe out. There is in this letter a very important fact of twelfth-century Baghdad: the government administration of Abu 'l-Hasan ad-Damaghani shows itself against the *ijtihad* of the jurisconsults. Ibn 'Aqil opposes him by showing the danger that lurks in Damaghani's principle of non-*ijtihād*, and which, he points out, leads to the loss of consensus, Islam's only magisterium after the passing of the last prophet, the 'Seal of the Prophets'. To deny *ijtihād* is to abolish the Islamic religion itself.

#### Second letter to Damaghani:

Who will excuse me, and will not blame me, if for his evil action I repute a man who has been given in preference to all others the office of justice, the rank of Chief Judge and the supreme judicature of all the countries of Islam; he is therefore, among men, the most apt to judge with equity. But equity does not belong exclusively to the judicature; on the contrary, the rights of men, required by the rules of good administration and those of leadership, are such that every rightful claimant must be given his due. And it is necessary that he [Damaghani *fils*] be the measure for the shares of men, especially for the men of religious science, the authority for the magistracy of which he is the incumbent. We see him, however, persevering in his custom of honouring the Persians who come from Khurasan, venerating them in his speech, rising to welcome them, inflating them with praise on their visiting him, having confidence in their praise of him, their praise ceasing on their taking leave of him. Such conduct renders them venerable in the minds of those who do not know them. He neglects the intellectuals of his own town, the professors of 'The Abode of Peace' [i.e. Baghdad], the quality of whose knowledge has long been known to him, and he holds the sons of those of them who have died in contempt, despite his knowledge of the worth of their forebears. The intellectuals are aware of his actions. Most of

those whom he singles out for veneration are of limited knowledge, devoid of the sciences of the *hadith* and positive law, as also of the fundamentals of the law and of theology, relying solely on empty honorific titles. Since he fails to proceed by giving every rightful claimant his due, such behaviour does not discredit those who are denied, but rather the denier himself.

As for the harm done to religious science for want of establishing equilibrium among its depositories according to their merits, or by adopting as a norm the denial of their due to rightful claimants, this is sheer meanness and absolute injustice. Such behaviour exposes one, in other respects as well, to accusations of injustice. It is no use for one in his position to say, 'I do not care.' For others have cared, who were of higher dignity than he. Thus the Prophet has said, 'Were it not for the fact that they would say, "The Prophet destroyed the Ka'ba", I would have brought it back to the foundations of Abraham.' He was cautious not to mention those he had killed and whose idols he had smashed. And then there is 'Umar who said, 'Were it not for the fact that they would say, "Umar made an addition to God's Book", I would have written in the margin of the Qur'an the verse on stoning.' Because of his intelligence, he said, 'in the margin of the Qur'an', for the falsification of a Qur'anic verse is the same as falsifying authentic verses: it is unlawful for anyone to insert a false verse in a Qur'anic chapter without the Prophet, following God's revelation to him, giving the instruction, 'Insert it at the end of such-and-such a verse.' Thus 'Umar demonstrated such subtle understanding by saying, 'in the margin of the Qur'an'.

If Abu 'l-Hasan says, 'I am not concerned about those Baghdadi religious intellectuals', the blame becomes compounded, and he should then be told, 'It is evident, by the honor you lavish upon the strangers, that you exaggerate their position and their worth, seeking to have your name praised among men everywhere. But the intellectuals of Baghdad are themselves more capable of ruining reputations, as they also are more conversant with the ways of praise. Seek therefore the perfect state, and you will find security. And with this, greetings!<sup>88</sup>

#### *The Profligacy of Caliph Walid b. Yazid*

As he had previously censured the Umayyad Caliph, Yazid I (*caliphate*: 60–4/680–3), here Ibn 'Aqil censures the son, Caliph al-Walid II (*caliphate*: 125–6/743–4) and for the same reason: namely, the profligate gifts paid from the Public Treasury.

They say of Hammad the Rhapsodist that he recited a panegyric before al-Walid b. Yazid, who bestowed upon him fifty thousand [dirhems]

and presented him with two concubines. This is the sort of thing that is related by way of high praise for caliphs. In reality, however, it is the highest possible degree of censure; for it is but the squandering of the Public Treasury of the Muslims. Sometimes they are given the idea of depriving deserving persons, and this is the same as squandering.<sup>89</sup>

Ibn 'Aqil is not censuring Walid's rewarding of a poet for an ode in his praise; poets, like other intellectuals, needed patrons. Rather he considered the amount exorbitant, and, in any case, the reward should have come from the Caliph's own pocket.

### *The General's Boast of Invading Mecca*

In the following passage, Ibn 'Aqil reacts to the General of the Armies boasting to him about his invasion of the Holy City of Mecca.

The General of the Armies told me about his entry into Mecca, amidst floating banners and the beating of drums, to humiliate the Blacks and their commander. He related this to me, bragging about it, completely oblivious of the sacred character of the place. In utter astonishment, I listened to him giving his account, and felt it in my heart that he was damned, because of the great veneration I feel for the Ka'ba. Once back in my home, I said to myself: 'Consider the ignorance of this Ethiopian!' And this, without a single person having admonished him among the doctors of the divine law, or scholars of international law, who accompanied him. Then I remembered their statement, 'The most distant she-camel settled down and did not want to rise.' So the Apostle of God – May the blessings of God and His peace be upon him! – said: 'On the contrary, she was refused access [to Mecca], held back by Him who refused it to the elephant,<sup>90</sup> and when he gave them what they had wanted, his she-camel was liberated.' The mosque was protected against the search for the lost she-camel; they even said to him [i.e. the Prophet] searching for his camel there, 'You will not find her.' How much more in the case of an Ethiopian, who comes with his drums in veneration of himself! Never again did he set foot in Mecca; and God meted out to him exemplary punishment and ruin.<sup>91</sup>

### *Ignorance of Religion by High Officials*

The passage of the *Funūn*, wherein Ibn 'Aqil deplores the exhumation of the bones of the dead in the vicinity of Abu Hanifa's tomb, has already been quoted. Ibn 'Aqil opposed the exhumation ordered by Abu Sa'd al-Mustaifi, Financial Minister of the Saljuqs, for two reasons: (1) for having disturbed the remains of the dead, including those of *Imām* Abu Hanifa; and (2) for the usurpation of materials from the churches and synagogues

of Samarra.<sup>92</sup> Note the respect due, in the estimation of a Muslim religious intellectual of the time, to all three monotheistic religions, a principle that has remained the mark of the Islamic religion.

### *Worldliness of Religious Intellectuals*

Ibn 'Aqil relates his censure of a jurisconsult from Khurasan:

On seeing a jurisconsult from Khurasan, decked in silk and wearing gold rings, I said to him, 'What is all this?' He answered, 'Gifts from the Sultan for me, and grief for my enemies!' So I said to him, 'On the contrary, this is cause for your enemies to rejoice at your misfortune, if you are still a Muslim. For it is Satan who is your enemy. When he got the better of you, he bedecked you in such fashion as to anger the revealed law; and you in effect acted in such a fashion as to put him in a position to take malicious pleasure in your affliction. Do you suppose, you poor wretch, that the gifts of the Sultan make God's prohibition permissible? The Sultan invested you with robes of honour, by which you became divested of your faith. The Sultan should have employed you to put an end to silken garments, and then bestowed upon you the garments of piety. May God cast you to the devil, for having so facilitated the devil's contemptible work. I would to heaven you had said, "These are but human frivolities!" As it is, your affliction is now complete; for your offence is proof of the profound corruption of your inmost self.'<sup>93</sup>

Such censure can be understood only on the grounds of the principle of 'ordering the good and prohibiting evil'. Ibn 'Aqil condemns two things: (1) the wearing of silk clothing and of gold rings by a religious intellectual; and (2) censurable behaviour in working for the secular governing power – that is, for the sultan, not the caliph. For the basis of the sultan's rule is power, i.e. based on sheer force constraining the caliph to lend it legitimacy; whereas the caliph's rule is based on legitimate authority, i.e. on right, having the consent of the people through the jurisconsults who represent them in taking the oath of allegiance, provided caliphs act in accordance with the revealed law, and follow the footsteps of the Rightly-Guided Caliphs. Failure to do so exposes them to the people's revolt, as in the doctrine of Ahmad ibn Hanbal.

### *Improper Use of Qur'anic Verses*

Ibn 'Aqil takes to task one of his teachers of the Qur'an, whom he criticises for using Qur'anic verses for worldly purposes:

Master Abu Ishaq al-Kharraz was a pious old man residing in the Quarter of the Gate of Degrees. He was the first to teach me the

Qur'an, on Chancery of State Road, in the Quarter of the Causeway. He had the habit of abstaining from speaking in the month of fasting, Ramadan, and would address people by using the Qur'anic verses with respect to his concerns, thoughts, and needs. Thus he would say, giving permission to his visitors to enter his home, 'Enter at the proper Gate' [Qur.5:25]; and he would say to his son on the evening of the day of fasting, 'of its pot-herbs, and cucumbers' [Qur.2:61], instructing him to buy vegetables. So I said to him, 'You believe this to be an act of worship, whereas it is a sin.' He took it hard. I went on: 'Indeed, this glorious Qur'an was revealed for the purpose of clarifying the prescriptions of the revealed law; it is not to be used for worldly concerns; and it is my opinion that what you do is tantamount to making use of the Qur'an's pages to wrap up lotus fruit or soap, or to use the Sacred Book as a cushion to lean on.' So he parted company with me, and I with him, for a time.<sup>94</sup>

### *Heresy of Ibn ar-Rawandi*

Ibn ar-Rawandi is one of the three famous intellectuals whom Ibn 'Aqil considers to be heretics (*zindiq*); the other two are the poet, Ma'arri, whose poetry he nonetheless highly appreciates, and the essayist, Tauhidi, the genre of whose works may nevertheless have inspired his own writing of the *Funūn*. Ibn ar-Rawandi, once a Mu'tazili, was condemned by his companions for his doctrines:

The malicious Ibn ar-Rawandi had entitled his book *Kitab az-Zumurrud* ('The Book of the Emerald'), and in it he made objections against the revealed law of Islam, inviolably protected against the objections of the likes of him among the heretics. Abu 'Ali al-Jubba'i took to finding fault with him for entitling the book 'The Emerald', holding the view that he was wrong and betrayed his ignorance in giving the book the name of a jewel, as religious intellectuals do not lend the religious sciences names of things below their dignity, it being that jewels are imperfect in relation to the religious sciences. He therefore found fault with him because of that, since he believed that, by entitling it 'The Emerald', Ibn ar-Rawandi had intended to lend the book the name of a precious jewel.

In reading one of Ibn ar-Rawandi's other books I came across a passage showing that he had a different intention – one that was more malicious than that Abu 'Ali had supposed. Here is what he said: 'The emerald has this characteristic, that when a viper, or any other snake, looks at it, it becomes blind. So my intention was that the argument that I put forth in the book would blind the arguments of all others.' Thus he believed his argument to have an effect on the arguments of the revealed law, as the emerald affects the snake that

gazes at it. Notice the extent to which he goes in his contempt for the revealed law!

I am amazed at how he could have survived as he did, seeing that he had authored *ad-Dāmigh* ('The Triumph Over Falsehood'), claiming that he refuted the Qur'an with it, and *az-Zumurrud* ('The Emerald'), disparaging the prophecies with it, and still was not executed! And yet, how many bandits were executed for stealing less than a quarter of a dinar, and for the destruction of property worth even less than that! He survived, and lived on for a time, simply because faith was not pure in the hearts of most men; on the contrary, hearts were filled with doubts and specious reasoning. Otherwise, when the faith of one of the Companions proved true, he killed his father! His pursuit of the Qur'an is due to his simple-mindedness. The Arabian masters [of Arabic] happened to hear the Qur'an and were all amazed at it; and men of eloquence were unable to match it, and he, in spite of his ignorance of the language, aspired to make good their attempt, but only succeeded in making plain his disgrace.<sup>95</sup>

Elsewhere in the *Funūn*,<sup>96</sup> Ibn 'Aqil relates that he found a note by a scholar of the religious sciences that Ibn ar-Rawandi died at the age of thirty-six – very young considering how far he had indulged in ignominious deeds. Were it not for the loathing Ibn 'Aqil has for the doctrines of Ibn ar-Rawandi, one would be tempted to detect a glimmer of admiration for what the latter had accomplished during his short life; but Ibn 'Aqil was also expressing his astonishment at all the harm he had been able to do in that brief time.

### *Qazwini's Denial of Divine Prescience*

Ibn 'Aqil takes to task the Mu'tazili, Abu Yusuf al-Qazwini (d. 488/1095), for denying the divine power of predestination, and for foolishly boasting of being a Mu'tazili:

Abu Yusuf al-Qazwini was a man with a glib tongue, who sometimes taught and sometimes spoke foolishly. He did not achieve original scholarship in any discipline. He used to boast, saying: 'I am a Mu'tazili!' But that was stupid of him, for he was risking his life for a doctrinal system of no value. I heard it said that, when the Turks took him into custody, claiming from him, according to the accusations made against him, the wealth entrusted to him by the ministerial Jāhirian family [i.e. Prime Minister Fakhr ad-Daula Ibn Jāhir, and his son, 'Amid ad-Daula], and someone said to him, 'Pray to God!', he retorted, 'God has nothing to do with this; this is the doing of the oppressors!' But that is old man's dotage! For if by that he intended to uphold the [Mu'tazili] principle of God's justice and deny His

injustice, in the process he denied God His power of predestination. Besides, suppose that God had not foreordained this matter – is He not capable of preventing it, or warding it off?<sup>97</sup>

It is clear that Ibn 'Aqil believes in the doctrine of predestination, and therefore regards its denial as a diminution of divine power and of divine prescience.

### *Preacher of Ash'arism, al-Bakri*

Ibn 'Aqil relates that when Ibn al-Qushairi (d. 514/1120) was sent by Nizam al-Mulk to Baghdad, he preached Ash'ari doctrine, and was met with the most despicable language by the common people. Nizam was patient for a while, then sent al-Bakri (d. 477/1084), an insolent charlatan, with heresy plainly written on his face. He attributed to the Hanbalis indecent statements about God, and incited people to malign them, saying, 'Those [Hanbalis] say that God has a virile organ'; so God caused him to become afflicted in that organ, and he died.<sup>98</sup>

Note that the academic sermon (*wā'z*) was used by the Ash'aris to propagate their Rationalism in Baghdad. The Damascene Ash'ari, Subki, lists Ibn 'Aqil among the Ash'aris, influenced perhaps by another Damascene, Ibn Qudama, in the *Tahrim*. The above passage is not the first of its kind by Ibn 'Aqil, treating Ash'aris as heretics!<sup>99</sup>

### *Heresy of Poet Ma'arri*

In the following passage, Ibn 'Aqil makes a remark which shows that, even in the case of heretics, Islam is tolerant when they make an effort to defend it against its detractors. However, such was not Ma'arri's case:

It is a remarkable thing that al-Ma'arri manifested his inane disbelief which although it did not reach the heights of the sophisms of the heretics, but fell miserably short of them, meant that he nevertheless dropped in the estimation of everyone. But then he excused himself, saying that his doctrine has a hidden meaning, and that he is, at bottom, a Muslim. But he has neither reason nor religion: for he made a show of heresy, and claimed to be a Muslim in secret. This is the opposite of what the dissemblers and heretics claim, who make an outward show of being Muslims, whereas inwardly they are heretics. Was he living in the territory of the infidels so that he needed to practise Islam in secret? There is no one more feeble-minded than a person who behaves in this manner, which is more contemptible than the behaviour of the heretics and dissemblers, for the religious person seeks salvation in the world to come, not its destruction in this world. Since he attacked Islam in the territory of Islam, and practised

heresy in secret, and caused his soul to perish in the Hereafter, he has neither reason nor religion.

And here we have Ibn ar-Rawandi and Abu Haiyan [at-Tauhid]. There is nothing in the discourse of either one of them but that which has betrayed a sickness in his religion, frequently praising and glorifying God, but all the while making trouble surreptitiously. Such persons escaped execution only because the faith of most people was not pure; on the contrary, doubts were stirring, and doubts were struggling with one another in secret, either because of the preponderance of faith in the hearts of people, or for fear of being disavowed by the majority. When the spokesman of their specious arguments spoke out, they lent him their ears. Do you not see him whose faith was true, how he [went so far as to] kill his [heretical] father? And if you wish to know the veracity of what I have said, notice how they take to flight when there is success in seizing others of their kind, or in discovering their heretical tendencies or the statues of which they are fond. If a rare misfortune should befall the religion, or one of frequent occurrence, [in either case] they would not raise a finger in its defence.<sup>100</sup>

Heretics in Islam, such as the *falsifa* and the *mutakallimūn*, are spared when they use their knowledge to defend Islam. These three, Ibn 'Aqil believes, would not do so; therefore, why spare their lives? They are unworthy of occupying even the farthest concentric circles of Islam's degrees of orthodoxy, because they do not do their duty as its defenders.

### *Suspected Heresy of Poet Ibn Sarr-Ba'r*

Ibn 'Aqil relates that the poet, [Ibn] Sarr-Ba'r (d. 465/1073), a librarian in the Rusafa Quarter, on Baghdad's East Side, was suspected of heresy. Librarians and grammarians were unknown for their piety, but often known for their lack of it. Humanism with a secular tinge continued to find its refuge in literary-philosophical pursuits.<sup>101</sup>

### *Eager Desire*

Although he does not specifically mention the sham Sufis in the following two passages, Ibn 'Aqil is aiming his condemnation at them; they justify their actions, in the face of Ibn 'Aqil's criticism, by claiming the compelling force of an eager desire that torments the heart. Ibn 'Aqil cites, in praise, the 'Sufis in union with God' as being impervious to such desire, contrasting them to the sham Sufis whom he censures for their debauchery, and whose eager desire encompassed not only maidens and married women, but also 'beardless' youths, as brought out elsewhere in his writings. Ibn 'Aqil writes:

A philosopher-physician said, 'Eager desire is not a remedy of philosopher-physicians; it is only a sickness of the profligates who made a habit and a passion of following their inclinations, of giving free rein to the appetites, and of passionate gazing on beautiful forms. When the mind binds itself with one of the forms, it becomes friendly, then familiar, then yearns, then craves, then loves excessively; and this is said to be "eager desire".' The philosopher-physician is someone whose good judgement has the upper hand over his inclinations, and whose wisdom or piety is absolute master of his appetites. The frivolities of his nature are always kept in check – like the boy in the presence of his teacher, or the servant before the eyes of his master. Eager desire is only for the thoughtless and the idle. It is rarely found in someone occupied, even in some craft or commerce; how much less, then, in the religious or philosophical sciences? Pampered bodies are transformed into dust. In their gradual progress, they change from blood into festering pus and suppuration. If he who is smitten with the torment of eager desire were to ponder the condition of the object of his attentions, his passionate love would languish.<sup>102</sup>

Another such passage follows, in which Ibn 'Aqil has praise for the true Sufis:

Eager desire is a sickness that grips idle souls and empty hearts: hearts stealing glances at beautiful forms because of certain exigencies of the soul. They are aided by an excess of association affirming affection and strengthening intimacy, which with perpetuation becomes eager desire. None but the inane have loved passionately; it is an illness of the idle, a sickness of those devoid of considering the signs of admonition and seeking the realities by which we are guided to the greatness of the Creator. For this reason, you will rarely see an idle person except in wanton frivolity, and among the heedless profligates.

Never has a philosopher-physician loved passionately; because the hearts of the sages are more intense in their refusal to be held back by one of the forms of this world, in spite of the intensity of seeking it studiously, for they are forever glancing rapidly and stealing away, without stopping to contemplate. It is rare for eager desire to result from a rapid glance; and it is rare for a sage to add a good look to a rapid glance. For he is a passer-by in his search for intrinsic qualities; and he who is seeking to know God is not held back from his search by a form, because it would keep him away from the Fashioner of all existing things. Far be it from the hearts of the sages, seekers of knowledge, let alone the Sufis in union with God, to be held back by the forms, or that the figures seduce them away from climbing the steps leading to their goals, or pull them down from their stations to

where the heavy loads lie anchored in the depths. On the contrary, they are forever climbing the heights, ripping apart covers and veils by virtue of the power of their reasoning.<sup>103</sup>

The 'Sufis in union with God' are what Ibn 'Aqil refers to as the early Sufis.

### *The Visiting of Tombs*

In post-classical Islam, the Wahhabis are known to have censured the visiting of tombs. Their custom of censuring this practice goes back not merely to the fourteenth-century Ibn Taimiya, whose ideas had a great influence on them, but to Ibn 'Aqil, over two centuries earlier. Ibn 'Aqil was not averse to the visiting of tombs; he simply insisted that it be done according to the Prophet's Sunna. In a passage excerpted from the *Funūn*, in which the visiting of tombs is mentioned, nothing is said in censure or in praise of the custom; instead, a Prophetic Tradition gives the precise day and hour when the Prophet's prayers were answered. The Tradition is cited on the authority of a Companion of the Prophet, Jabir b. 'Abd Allah (d. 78/697):

The Messenger of God prayed to God in the Mosque of the *Ahzāb*, on Monday, Tuesday and Wednesday, and his prayers were answered on Wednesday between the two ritual prayers of midday and afternoon, and we recognised the joy on his countenance.<sup>104</sup>

Jabir went on to say, 'After that, I was never afflicted by a misfortune without aiming for that particular hour of that particular day, praying to God and realising the answer to my prayers.' Ibn 'Aqil records this Tradition in the *Funūn*, because he had been observing people performing invocatory prayers and visiting tombs frequently on Wednesdays, and did not know the authority on which their practice was based.<sup>105</sup>

There is a passage, however, excerpted by Ibn Taimiya from Ibn 'Aqil's *Kitāb al-Fusūl* ('The Book of Articles'), and from his *Kifāyat al-Muftī* ('The Sufficiency of the Jurisconsult'), in which there is a clear statement on the lawfulness of visiting tombs. It is necessary to know Ibn 'Aqil's doctrine on the subject, given the fact that the censure of visiting tombs appears to have begun with him in the eleventh century. The passage follows, taken from Ibn 'Aqil's *Fusūl*:

If a person travels to visit tombs like the innovated shrines, such as the those of Kufa, Samarra, Tus, Mada'in, Awana, and the tombs of Mus'ab b. 'Umair (d. 3/625), Talha (al-Jud, al-Khaiyir, al-Faiyad) (d. 36/656), and az-Zubair (b. al-'Auwam) (d. 36/656) in Basra, the distance between the visitor [i.e. his point of departure] and them [i.e. the tombs and shrines mentioned] being within the required distance for the shortening of the ritual prayer, he cannot deem lawful the traveller's authorisation to shorten his ritual prayer, because

going on a journey towards them is prohibited; for the Prophet has said: 'Saddles should not be bound to your mounts for the visiting of tombs, except to go to three mosques: the Sacred Mosque, the Farthest ['al-Aqsa'] Mosque, and this, my Mosque.' This prohibition forbids that the above visits be considered lawful travel; and it is unlawful to make concessions regarding that which has been prohibited. For this reason, the Prophet said, 'Any action contrary to our prescriptions will be invalidated.' Distinctions are taken into consideration in the revealed law. If a person should travel to one of these above-mentioned places, for commerce or for a visit, you look into the case: if the person's intent was to carry on his commerce, and afterwards visit the tombs, his shortening of the ritual prayer is lawful; but if his main intent was to visit the tombs, or if his intent was for both equally, then he may not consider his shortening of the prayer lawful, because his travel would be prohibited – it would be more like a sinful journey.<sup>106</sup>

Ibn 'Aqil severely condemns the visiting of tombs in the Baghdad of his day, because of the activities that took place during those visits throughout the night, in the grounds of the cemetery, and in the mosques and shrines. The following passage is a clear statement of the practices he censured:

I declare myself free from the gatherings of our contemporaries in the Mosques and shrines on nights which they call *ihyā* [i.e. entire nights passed in religious worship]. Upon my life, those nights are for the purpose of enlivening their passions, and awakening their carnal appetites: gatherings of men and women; reasons for justifying the expenditure of great sums of money, with the most vain of intentions, namely, so that people would see it and hear of it; and the diversion, deceit, and foolishness there is in the disorder of every gathering. How much the Mosques were more in need of becoming dark from the wicks of their lamps, free from their sins and wickedness! Beardless youths, and women, together with wanton men! In my opinion, the person who makes his own estimation of the cost of the candle [which he could have lit in the Mosque on the night of the *ihyā*], then takes its equivalent in oil and firewood to the homes of the poor, then stands in a corner of his home, after satisfying the rights of his family, having resolved to be one of those who spend the night in religious worship, then prays two *rak'as* with sorrow, prays to God for himself, his family, and all Muslims, then goes early to work for his livelihood and not to the tombs, then the omission of the tombs on that day would be an act of worship.

O Visitor of these tombs! Think of your visit and of the big difference there is between it and the purpose originally prescribed for it. The Prophet said, '[Visit the tombs], they will remind you of the Hereafter.' How engrossed you are in glancing at the radiant faces in

those gatherings, with sowing the seeds of sensual delight in your heart, and of carnal appetite in your soul, distracted from looking at the decaying bones and, reflecting on them, calling to mind the Hereafter! On the contrary, you set out only in search of your own pleasure; and you return only as a sinner. To your mind, there is no difference between visiting the graves, and visiting the gardens for a joyful event. You could at least commit your sins between your own walls! But as for turning the Mosques and Shrines into an occasion for notoriety, no, definitely not! Is this the way to act for those who understood God's statement regarding the month of Rajab and the other sacred months [i.e. Muharram, Rajab, Dhu 'l-qa'da, Dhu 'l-hijja]: '[Of the months, four are sacred: That is the straight usage.] So wrong not yourselves therein' [Qur.9:36].

How it does distress me that some let slip away feast days during which people acquire all kinds of spiritual gains! Would to God they emerged from them in idleness, one like the other! They are not content until they make them, year after year, occasions for seizing the opportunity to extract fully the sensual delights, and harvest the forbidden venereal lusts. How is it that the chaste faces of Jumada are disgraced in the sacred month of Rajab under the pretext of visiting the tombs? 'Do they then seek after a judgement of [the Days of] Ignorance?' [Qur.5:53] 'What is the matter with you, that you place not your hope for kindness and long-suffering in God?' [Qur.71:13].

I wonder what the columns in the dark corners of the Mosques could tell about you; the unoccupied spaces in the cemeteries, the domed shrines, weeping for you from fear of the divine threats, reminding you to consider the eternal rewards and punishments, and to heed their admonition. And what could they tell about people who perform recitations of the entire Qur'an in their homes, and protect their families, following the example of the Prophet, who slipped from the bed of 'A'isha to go to the Mosque, with neither gatherings nor lighted candles. Blessed is he who hears this Prophetic Tradition, then takes to a corner in his home and sits up to recite a section of the Qur'an, praying two *rak'as* with meditation and contemplation. Oh, what a serene moment that would be in the purity of its freedom from the murky waters of shady associations and the squalors of hypocrisy!

Tomorrow, the people of the gatherings will see that the Mosques will revile them, and the cemeteries will appeal for help against them. One of them will go out early saying, 'I am fasting.' Was your wedding-night so successful as to afford you a late morning sleep? Tell me, O you, who spent the whole night through in the Mosque, with what heart have you come back from it? By God! Your heart has died, and your soul is dishonoured. How fearful I am for him who perpetrates those deeds during those nights: fearful that he will be filled

with fear in the zones of security; fearful that he will be thirsty in the midst of watering places.<sup>107</sup>

In the following last passage on the visiting of tombs, Ibn 'Aqil attacks what he considered as activities smacking of superstition:

When the prescriptions of the revealed law became hard for the ignorant and the ignoble, they turned away from principles to the exaltation of conventions, which they instituted for themselves, and were convenient for them since, with these conventions, they did not come under the jurisdiction of any other than themselves. They are, in my opinion, infidels by virtue of these conventions as, for instance, the exaltation of tombs, and their reverential treatment, by kindling fires, kissing the tombs and perfuming them, addressing the dead on slates, and on slips of paper, with the message, 'O My Lord, do such-and-such for me'; and taking some of the earth at the grave as a blessing, perfuming the graves to profusion, harnessing mounts to journey to them as to a pilgrimage, and tying tattered rags to trees in emulation of polytheists who worship the gods al-Lat and al-'Uzza.

You could not find one among them who would check on a question regarding alms-tax, inquiring about a provision that might be incumbent upon him. In their view, woe unto him who does not kiss the Shrine of the Cavern; or does not stroke with his hand a brick of the [East Side] Mosque of al-Ma'muniya on Wednesday; or whose pall-bearers, during his funeral procession, do not say, 'Abu Bakr as-Siddiq', or 'Muhammad', or 'Ali'; or whose funeral procession is not accompanied by lamentation; or who does not build over his father's grave a vaulted structure with gypsum and bricks; or who does not rend his garment from top to bottom; or who does not pour rose-water on his father's grave and bury his garments with him.<sup>108</sup>

The Wahhabi, Husain b. Ghannam (d. 1225/1811), comments on Ibn 'Aqil's indictment of his contemporaries, in which he assimilates them, in their superstitious practices, to the polytheistic Arabians of the pre-Islamic Jahiliya period:

Consider – God have you in His mercy – the statement of this *Imām*, who is the most venerable *Imām* of the Hanbalis, nay one of the most venerable *Imāms* of Islam. And consider the practices he revealed, which were perpetrated by the leading personalities of mankind, let alone women, the riffraff, and the common people, notwithstanding that he lived in the sixth century [twelfth century AD], and people at that time were doing what he reported, and the great religious scholars and critics were witnessing that, and their chance of being able to proscribe those practices was on a secondary level. The falsity of what the liars have embellished, and of what the bigots and heretics have misrepresented, will then become clear to you.<sup>109</sup>

Ibn 'Aqil's passage, above, on the visiting of tombs, was copied by many Wahhabis, one of them quoting just a few lines, then saying, 'and so on', indicating that it had become well known to the Wahhabis through frequent quotation by contemporary authors. It is quoted by the following authors in two collections of treatises entitled, *Majmū'at ar-Rasā'il wa l-masā'il an-najdiya* (MRMN), and *Majmū'at at-tauhid an-najdiya* (MTN): 'Abd ar-Rahman b. Hasan b. Muhammad b. 'Abd al-Wahhab (d. 1285/1869), *Bayān al-mahajja fi 'r-radd 'ala 'l-lajja* (MRMN, IV, 279); 'Abd Allah b. 'Abd ar-Rahman Abā Buṭāin (d. 1282/1865), *Rasā'il wa-fatāwā* (MRMN, IV, 472–3); Hamad b. Naṣir b. 'Uthmān b. Mu'ammar al-Hanbali, *an-Nubdha ash-shari'a an-nafisa fi 'r-radd 'ala 'l-quburyīn* (MRMN, IV, 610); 'Abd Allah b. Muhammad b. 'Abd al-Wahhab b. Sulaimān b. 'Ali, *al-Kalimat an-nafī'a fi 'l-mukaffirāt al-wāqi'a* (MTN, 240); and Sulaimān b. Saḥmān an-Najdī (d. 1349/1930), in a separate treatise (*Hadiya*, 57).

### *Magic and Superstition*

Ibn 'Aqil, in a tone that instructs more than it censures or criticises, states that there is no such thing as a causative effect due to an evil eye:

Regarding infection, some are of the opinion that the disease is to be attributed to spontaneous generation, and that the unhealthy part is the result of something unhealthy in the air, contracted by a sound organ; and that the effect of the evil eye is attributed to the person with the evil eye. [But this is absurd], since this is not possible for him, nor is it in the realm of possibility that there result from his eye or glance a corruption of that which is sound, nor the death of a living being. Such an effect can be attributed only to God.

The reality is that God is the true Agent of all things adventitious, whether involving the corruption of bodies or their sound health, and that He causes it at the moment of the thing's existence, together with it; for the evil eye does not generate, nor does it cause a corrupt, or healthy, state.<sup>110</sup>

On the other hand, Ibn 'Aqil is more severe in his censure of those who give credence to superstitious tales and have contempt for the prescriptions of the revealed law:

If people were to adhere to the prescriptions of the revealed law the way they cling to superstitious tales, they would be in a sound state of affairs. For they do not give a traveller priority over a sick person; a hole is not made in a flat loaf of bread without first breaking the edge; a loaf of flat bread is not turned over on its face; no marriage is contracted in the month of Safar; the fingers of both hands are not left entwined around the two sides of a door; and one does not sew his shirt while wearing it without putting a strip of bamboo in it.

Perhaps if one of these superstitious persons were to be censured for ceasing to attend the Friday religious service, or the meetings of the Community of believers, or for wearing silken clothes, he would make light of the censure. Such is the measure of their regard for the religion of Islam, of which they claim to be followers. And perhaps one of them will say, 'It is unlawful to put a loaf of flat bread on its face', putting faith in what he hears from silly women and empty-minded men.

In the following passage, Ibn al-Jauzi quotes Ibn 'Aqil and other Hanbalis on the question of magic. After pointing out that Hanbalis consider magicians, both men and women, to be infidels, he quotes from Ibn 'Aqil:

The magician is one who denies God's favour. Magic is simply a craft that brings about the corruption of conditions and the killing of souls. Although it does bring the magician to the status of infidel, his punishment is that he be smitten with the sword.<sup>113</sup>

After quoting Qadi Abu Ya'la, who states that the same law applies to the soothsayer and the fortune-teller, Ibn al-Jauzi quotes Ibn 'Aqil, who differs with him:

The most that the soothsayer claims is that the jinn speak to him; and that is mendacity. Mendacity does not make the liar an infidel, calling for obligatory capital punishment, unless it concerns the matter of divine laws; as for instance the statement, 'I know the supernatural.' But those who use birds to augur good or evil, and astrologers and those who use stones, barleycorns, or arrows, claiming that they are charms to conjure the jinn, all of them are in error and must be punished. If they believe that this is a method of arriving at the knowledge of what will exist before it comes into being, then they must be declared infidels.

As for women who play with stones and barleycorns, and other similar things, which they use as omens to seek knowledge of the condition of absent members of the family and of husbands, and which involve a kind of magic – for they mention in their conjurations the stars, and the Kurds use shoulder bones, the Iraqis use arrows – and the use of these as charms to conjure the jinn, all of this is extremely reprehensible, and constant use of such things necessitates declaring the practitioner as devoid of the legal requirements of righteousness. Those who are known as practitioners are not to be accepted as witness-notaries. The same rule applies to the seesaw: riding and seesawing on it is reprehensible; the person who makes passionate use of it is not accepted as a witness-notary.<sup>113</sup>

In another passage, Ibn 'Aqil exhorts his co-religionists to forego the habitual practice of magic and, instead, to make a habit of the Qur'an: 'It is

not lawful to make a habit of talismans, charms, the names of stars, pictures, and the figures placed on the constellations; for all of that is prohibited. A habit should be made only of the Qur'an.'<sup>114</sup>

In the following passage, we see Ibn 'Aqil constrained to believe that a blind girl was endowed with supernatural powers; because she, to all appearances, could tell the secrets of people, and neither he nor others could detect the use of a code between the girl and her father. Ibn al-Jauzi reports the following event as taking place in the year 501/1107-8, saying that the scholars were at a loss to learn how she did it, then citing Ibn 'Aqil as follows:

It was difficult for the religious intellectuals, the high officials, and the common people to figure her out. She was even asked about inscriptions on rings, and other things on them, and about the colours of the gems on them, the characteristics of the persons wearing them, and what was inside the bullets by way of wax and clay, or various kinds of pellets and beads. When someone went too far by putting his hand on his penis, and she was asked what he held in his hand, she answered: 'Let him carry it to his wives and family!' It was generally established that the extent of what her father said in soliciting an answer from her was, 'What is in the hand of so-and-so?' and 'What is the thing that this man has hidden?' In answer, she would give him details which the eye could not perceive. It was thus impossible that there was between her and her father a code for various things. There is in this nothing other than that it is a special characteristic from God, like the characteristics of plants and stones. This young lady was endowed with the special characteristic of having information about things flow from her tongue without knowledge of their hidden circumstances.<sup>115</sup>

Ibn al-Jauzi then adds the following information: 'Ibrahim b. al-Farra' related that the young lady's father held something in his hand, which resembled wheat, but was not wheat, and this time she guessed wrong.'

Ibn 'Aqil makes room in the *Funūn* for the following story of a man with a cage:

The *Rā'is*, Abu 'th-Thana' b. Ildarak, a person I know by experience to be truthful, said that once when he was in the Market of the [East Side] Mu'allâ Canal Quarter, a man in front of him, with a glass cage on his head, was walking with an uneasy gait, as though he had no experience of carrying things. I kept expecting him to fall because of what I saw of his unsteady gait, and it was not long before he slipped, hurling the cage which broke into pieces along with all that was in it. The man was startled; then, coming to his senses, he began to cry, saying, "God is my witness. This is all the merchandise I own. God help me. A great calamity had already befallen me in Mecca, which comes close to this one; nothing has happened to me worse than this." A group

gathered around him, feeling sorry for him and crying with him. They asked him, 'What happened to you in Mecca?' He answered, 'I entered the Dome of Zamzam, and undressed in order to wash. I had on my wrist a bracelet of eighty miskals of gold, which I took off. Then I washed, dressed myself, and walked out.' A man in the group said, 'Here is your bracelet; I have had it for years.' Everyone was amazed at the speed with which he was comforted in his misfortune.<sup>116</sup>

### *Sham Sufis*

A great number of Hanbalis were Traditionalist Sufis, who were strongly opposed to Rationalist Sufis, especially as represented among the Ash'aris. Leading Hanbalis are known to have severely censured Rationalism and antinomianism among the Sufis. The Hanbali founder of the first Sufi brotherhood, 'Abd al-Qadir al-Jilani, figures in a Hanbali *silsila* (chain) of Sufis headed by the jurisconsult Sufi, Abu Sa'd al-Mukharrimi (d. 513/1119). This chain that includes the well-known jurisconsult, Ibn Qudama, and the famous Ibn Taimiya, who is linked to Ibn Qudama through the latter's nephew, Ibn Abi 'Umar (d. 682/1283), from whom he received the Sufi cloak, as a Qadiri Sufi.<sup>117</sup> The Sufi, Jilani, is reported to have begun his study of law with Ibn 'Aqil, continuing with the latter's colleague, Abu Sa'd al-Mukharrimi.<sup>118</sup>

I have long suspected Ibn 'Aqil of being a Sufi, as were so many of his fellow-Hanbalis; but because of his Retraction, in which he abjured his treatise, the *Nuṣra*, in veneration of Hallaj, he had to be discreet about his Sufism, lest he be suspected of recidivism. His great admiration for the early Sufis, manifested in his sermons and meditations, strongly points in the direction of his own Sufism, into which he was initiated during the tender years of his youth, by his Sufi master, Abu Tahir Ibn al-'Allaf. The latter was a student of the Hanbali Sufi, Ibn Sam'un, and both were masters of the art of the sermon. Thus Ibn 'Aqil's sermonist pedigree may be considered his Sufi pedigree: a Traditionalist Sufism in line with that of Abu Tahir and Ibn Sam'un.

In contrast to his admiration for the early Sufis, who practised their Sufism within the bounds of the revealed law, Ibn 'Aqil shows the contempt in which he held the sham Sufis among his contemporaries. What Ibn 'Aqil holds most censurable about them is their hypocrisy and their scorn for the revealed law. There is a long passage, quoted in the *Talbis* of Ibn al-Jauzi, in which Ibn 'Aqil presents a comprehensive list of their excesses; these excesses that are found repeated in other passages by him in censure of the Sufis. Briefly, they are as follows: idleness; cutting themselves off from the congregation (*jamā'a*); gluttony and intoxication; singing to the music of unlawful instruments and dancing to the point of frenzied rapture; unsocial manner of dressing, and exhibitionism; womanising and influencing

wives against their husbands; kissing beardless youths, and calling this behaviour compassion; justifying the seclusion of a Sufi master with a woman, on the pretence of a father-daughter relationship, because she wears the Sufi cloak he bestowed on her; complete and unquestioned submission of these women to their Sufi masters; associating with tyrants and usurpers, and accepting their ill-gotten handouts of money and food; using euphemisms for their unlawful activities; claiming that they have direct contact with the Living Eternal God, and ridiculing scholars of the Prophetic Traditions for accepting apostolic transmission of the Prophet's Sunna.<sup>119</sup>

Here are some of the passages relating to Sufis who fall short of the way of life of the early Sufis. Ibn 'Aqil addresses a Johnny-Come-Lately to Sufism, who makes a show of his sacrifice in worshipping God, after a life of self-indulgence:

Do not attach any great importance to your self-sacrifice to God; it is the same self you once sacrificed for the love of a songstress, and to passion for a beardless youth; it is that same self you risked in travels for worldly gain. And now, as you finally come to God submissive, you consider your sacrifice as something huge.<sup>120</sup>

Ibn 'Aqil calls on Sufis to be moderate in their asceticism, when they have obligations to discharge with respect to their families. He calls on them to make use of reason, and to be guided by the precepts and the spirit of the revealed law. Elsewhere he censures celibate monasticism; here he censures the ascetic Sufi for deserting his family:

How strange is your worship! You either follow your heretical inclinations, or you practise innovative monasticism! You either wallow in licentiousness, sensual love and dallying, or you neglect your obligations, desert your families, and take to the corners of mosques. Why can you not serve the Lord according to reason and the revealed law!<sup>121</sup>

### *Sufi Justification of Sensual Love*

Ibn 'Aqil takes to task one of the greats among the Sufis for his attempt to justify illicit sensual love in some of his verses, on the basis that God's creation of beauty in His creatures has the effect of leading men astray. Ibn 'Aqil counters by stating that God creates beauty to have us reflect on His greatness, and to give us some knowledge of Himself through His effects. 'The sun', Ibn 'Aqil points out, 'was not created to be worshipped, but to give light.' Following are the verses of the Sufi, Abu Bakr ash-Shibli (d. 334/946), which Ibn 'Aqil censures:

Meat was tossed before the falcons,  
High on Aden's mountain-top.  
They freed the falcons, then they blamed them,

When the falcons would not stop.  
If to save us were (God's) purpose,  
O'er thy beauty the veil He'd drop.<sup>122</sup>

### *Fatalism Among Sufis and Ascetics*

Ibn 'Aqil is deeply concerned about the trust (*tawakkul*) practised among some of the Sufis and ascetics of his day, a trust that was nothing short of fatalism. Modern Western scholars have considered this fatalism as peculiar to the Islamic religion, while others have dated it from about the sixteenth century. It comes from a much earlier period, as evidenced in the following passages by Ibn 'Aqil, and has been practised by only a segment of Islamic society. Ibn 'Aqil preached against its practice in his period. He repeatedly told his contemporaries that caution and prudence do not preclude trust in God. He urged them to trust in God after having taken precautions. The Prophetic Tradition advises, 'Tie your camel, and put your trust in God.' Shafi'i advised the carrying of arms during prayer when in a combat zone. Sheer trust in God, without taking precautions as advised by the Qur'an, the Prophet, and the pious Fathers, is but negligence and self-deception. Ibn 'Aqil's message is that God helps those who help themselves: make use of the gifts He has provided, before turning to Him in prayer and supplication:

God – exalted is He above all! – has given the birds of prey and beasts of the wild the equipment and weapons necessary to guard themselves against harm, such as, for instance, claws, talons, and fangs. For man He created reason, which leads him to carry weapons, and guides him to fortify himself behind structures, and to protect himself in coats of mail. He who neglects God's gracious gifts, by renouncing prudence, does indeed neglect God's wisdom, as does the person who renounces food and medicines, then dies from starvation or from illness. There is no person more stupid than he who claims to have reason and knowledge, but gives himself over to misfortune. On the contrary, he who puts his trust in God should put his limbs to work on acquisition, and with a tranquil mind put his trust in God the Truth, whether He denies or bestows. For He but perceives that the Truth – praised and exalted is He above all – freely disposes, but only with wisdom and for the welfare of mankind, so that His denial is, in its true import, a gift.

How often has the weakness of the aged been embellished for them! How often have they seduced themselves with the thought that, by their negligence, they were but putting their trust in God! In their self-deception, they have come to be the same as those who believe that carelessness is courage, and lassitude, firm resolution.

When the means created for acquiring things are neglected, such neglect is indicative of foolish behaviour regarding the Creator's wisdom, such as, for instance, the creation of food as a means to satisfy hunger, and water, to quench thirst, and medicine, to treat illness. When a person, forsaking these, treats the means with contempt, then desists from his error and begs for them, he may well be told, 'We created the means for your well-being, and when you did not reach out for them you were expressing contempt for Our gifts. Perhaps We shall not restore you to good health without the necessary means, because of your disdain for them.' This situation is like that of a person who, with a stroke of his spade, deflects the water of the irrigation canal from his newly-ploughed field, then begins to perform the prayer for rain – a behaviour commendable neither in the revealed law nor in reason.<sup>123</sup>

## SECTION TWO HUMANIST DISCIPLINES AND TOPICS

### I. THE ART OF THE SERMON

#### 1. Qualities of the Preacher

In his sermons and meditations, Ibn 'Aqil expresses his moral philosophy, which underlies his religious thought and piety, taking the place of his undeclared Sufism. He makes extensive use of the Qur'an, the verses of which bestrew his sermons and meditations. Knowing it by heart, he often cites its verses partially, relying on the familiarity of his listeners and readers to supply the missing parts (reinstated between parentheses in the present work). Loyal to the oath taken in his Retraction, he appears to be keeping faith with the law by refraining from the expression of anything that could be construed as a return to the veneration of Hallaj, whence the absence of that name from his extant writings. The sampling of his sermons and meditations quoted in these pages affords the reader direct access to his thoughts and his manner of expressing them. His censure of the sham Sufis is followed a close second by his censure of the sham sermonists; for him, only those who lead a sincere ascetic life can be effective sermonists, preaching the word of God:

Every discourse has its own guise. Just as singing is at its finest only from virgin maidens, love poetry only from lovers, lamentations only from bereaved mothers, and nostalgia only from the emigrant, so also preaching is best performed only by one withdrawn from the world, leading an ascetic, God-fearing life, clad in a woollen cloak on a slim, scantily-nourished body, distracted from its needs by the virtues of the soul, like the physician manifestly anxious over the diet of his patient. How can hearts be responsive to the preacher who saunters to the pulpit in sumptuous garments, a courtesan of kings? Such preachers are listened to for amusement, as one listens to the professional *causur* in night entertainments. It has been said, 'He the sight of whom is of no benefit to you, neither is his religious exhortation.' It would behoove the preacher to withdraw sincerely from the company of laymen, so that his words may have an awe-inspiring impact

on his hearers; but his withdrawal should not be in the manner of one who feigns it for the ulterior motive of monetary gain.<sup>124</sup>

Ibn 'Aqil had in mind two particular kinds of preachers: on the one hand, those sent to Baghdad by Nizam al-Mulk, propagandists of Ash'arism, decked in silken finery, flaunting their wealth; and, on the other, sham Sufis and so-called ascetics, clad in tattered garments, making a show of pitiful poverty, the better to loosen the purse-strings of the audience.

#### 2. Excesses and Pagan Practices

The humanism of Ibn 'Aqil insists on the practice of moral virtues, and warns against anthropomorphism in man's approach to God. Highly sensitive to the accusation of anthropomorphism levelled against Hanbalism, he defends his legal guild against the unfounded accusations of its adversaries. To accept the traditional attributes of God without interpretation, and 'without asking how', is not anthropomorphism. Altogether different are the excesses of some preachers. The following passage censures such practices:

I observed a Persian preacher saying, 'O Moses! Whom do you want?' Moses answers: 'My brother Aaron.' 'O Muhammad! Whom do you want?' 'My paternal uncle, and my mother.' 'O Noah! Whom do you want?' 'My son.' 'O Jacob! Whom do you want?' 'Joseph.' Then the preacher said: 'O Reciter of the Qur'an! Recite, "[They are] seeking His Face." [Qur.6:52; 18:28] The reciter recited, and the assembly bawled uncontrollably; people lost consciousness, and others rent their garments as though in mourning, because of the deception of that preacher. And certain people believed that the preacher's words were the truth's very core, and the very quintessence of religious knowledge.<sup>125</sup>

What Ibn 'Aqil holds against the preacher is his depiction of the Creator as having a face like that of a human person. He then apostrophises the preacher, accusing him of the crassest sort of anthropomorphism, and, in the process, shows what he perceives as the distance separating the Creator from His creation. It is this kind of anthropomorphism that Ibn 'Aqil strongly censures when preachers depict God's Face in human terms to reach their audience; however, his censure was mistaken for a denial of the beatific vision, which it was not.<sup>126</sup>

The following passage shows what Ibn 'Aqil holds against the preachers who cast the beatific vision in anthropomorphic terms:

O you, who put delusive images in the imaginations of people! O you, who depict the Creator in a form which firms itself in the hearts of men! God is not that! That is an idol shaped by temper and the devil,

an image of the absurd concocted by the imagination, which you have deified! God has no attribute for which humans could sense a physical attraction for which living creatures could have a craving. On the contrary, the distance between the divine and the adventitious is such that it inspires awe and diffidence in the souls of men. When the mention of God is made, their hearts are filled with pious fear. Certain people simply fashioned an image generating familiarity for them; they became disturbed by their yearning for it, and they had the baffling experience of persons driven out of their senses by love. These destructive notions must be extinguished in the hearts of men, just as images of the idols must be smashed.<sup>127</sup>

### 3. Perils of Preaching

Ibn 'Aqil quotes Ahmad Ibn Hanbal regarding long sermons: 'I should not like the preacher to bore his audience; when preaching, he should not prolong his sermon.' This idea of avoiding boredom was carried from the *qissa* (narrative) of the *quṣṣāṣ* (preachers) to the *adab* narratives, giving one illustration of the development of the narrative in *adab* (humanism) from the *maqām* or *qaṣaṣ*, and the *majlis*. In the Christian West, this principle is found in the *Disciplina clericalis* ('The Discipline of the Secretary'; i.e. *Adab al-katib*) of Petrus Alfonsi (1062–1110).

Ibn 'Aqil would have preachers be careful when addressing men of power, as in the case of Hasan al-Basri (d. 110/728): 'I do not approve of Hasan's boldness in preaching to Hajjaj, aware of the insolence of the man in the use of his sword.' As he remarks elsewhere, God does not expect us to put our lives in jeopardy, unless it is in a struggle against the infidels.

### 4. Relations Between God and Man

Man's relation to God is called '*ubūdiya*' – servitorship, obedient service and faithful devotion to God. God's relation to man is called *rubūbiya*, lordship. Ibn 'Aqil, addressing man, including himself, asks whether man has ever been as true to his state in relation to God, as God has been true to His state in relation to man: 'He is truly Lord! Are you truly His worshshipping servant? Has there ever been in existence anyone who was ever true to God as God is true to him?'<sup>128</sup>

In discussing lordship and servitorship, Ibn 'Aqil links the relation between the two concepts with that of man's obligation, and with the place of reason with respect to all things created and their Creator:

Know that your status of servitor ('*ubūdiya*) becomes perfect in you only to the extent of what makes His Lordship (*rubūbiya*) complete in Him – Glory be to Him! And the perfection of divinity is that He is great, His greatness necessitating that He be greatly honoured. It is

on the basis of this honour due to Him that obligation revolves. His command is obeyed, and must not be disobeyed; His bestowal of bounty is remembered, and must not be forgotten; His decree is accepted, and must not be countered with 'Why?' expressed by word of mouth or kept hidden in one's heart. He has the unrestricted right of disposal in the full sense of the term; not only because He is all-powerful, rather because He is wise and flawless in His design. As all the fundamentals of religion are His creation, one must devote oneself to His service by prostrating oneself before Him in worship at one time when He so commands, by kneeling at another time, by straightening up at another, by desisting from passionate desires, and by partaking of them sometimes.

Likewise reason, which He created to judge in favour of His actions and His precepts, not against them by arbitrarily deviating from submission. If He unites, it is with wisdom and compassion; if He divides, it is with wisdom and power. Just as His power cannot be resisted by force, His wisdom cannot be resisted by opposition. He created all things to be under the direction of reason, and reason to be under the direction of the Lord. If reason willingly concedes His lordship, it behooves it to yield willingly in submission; for the servant cannot be lord, just as the Lord cannot be made a servant. O you, deficient in obligation in every sense of the term! O you, bankrupt of servitorship in all truth! You are a servant by force, through creation! Have you, of your own free will, taken on the quality of servant?<sup>129</sup>

Ibn 'Aqil often has God apostrophise man, pointing out the divine blessings and favours bestowed on a refractory and disobedient servant:

What an excellent teacher you are, but also what a bad learner! And what an excellent trainer, but also one who cannot himself be trained! You train dogs for the chase, and colts and mares to be ridden. You are endowed with reason and speech. The message of the revelation is addressed to you. You are provided with parents, teachers, religious intellectuals, preachers, and jurisconsults. But nothing seems to have an effect on you. God puts all things under your command, yet you are refractory, and are forever breaking loose from Him!<sup>130</sup>

Ibn 'Aqil indicates what makes him confident of being a true believer, then combines verses of the Qur'an with his own imagined words of God apostrophising him, admonishing him not to become a servant to His servants, but to serve Him alone:

By God, I have no confidence in being a true believer through prayers and fasting; rather I become confident in my belief when, in periods of misfortune, I see my heart take refuge in Him, and when I

am grateful for the favours He has bestowed upon me. He seems to be saying to me: 'I have defended you in every way against becoming a servant to My servants; and taught you that it is I Who am the Creator, the Provider; but you forsook Me and turned to My servants. All of you petition Me in times of drought, and when your petitions have been answered, you worship one another. "Are many lords differing among themselves better, or the One God, Supreme and Irresistible?" [Qur.12:39]. He seems also to be saying: 'Have you no shame? It is you who train the hunting hound so that he does not partake of the hunt, leaving it untouched for you? Thus he accepts your training, and you break the aggressiveness of his nature, and he yields the prey, hungry and in need of it; even when you receive the prey, you give him to eat if you so wish, and you deny him if you so wish. Your end is with Me, and I am the One Who brought you into being, nurtured and brought you up, assigned to you the task of restraining yourself from seeking that which displeases Me. You did not control your self; rather your self got the better of you, causing you to perpetrate the acts I have forbidden, and to disobey the commands that I have given. The good breeding adhered to the beast, but did not adhere to your heart, despite your long life and the perfection of your mind.'

'You are eager to plant a date-pit or a palm seedling, and you sit waiting for it to bear fruit, and its fruit to ripen; and you will perhaps be buried before that happens. But suppose you were to live that long, then what? What quantity will be harvested from it? You have heard My parable, "A goodly word like a goodly tree (whose root is firmly fixed, and its branches reach to the heavens, it brings forth its fruit at all times, by the leave of its Lord)" [Qur.14:24]; and, "The parable of those who spend their substance in the way of God is that of a grain of corn: it groweth seven ears, and each ear hath a hundred grains; (God giveth manifold increase to whom He pleaseth, and God careth for all and He knoweth all things)" [Qur.2:261]; these and other like verses of the Qur'an. Do not be eager to plant in My domain the fruits which you expect to harvest for eternity; that is because you regard as far-fetched what you have learned of the Hereafter, and are strong in the hopes you entertain for this world. Have you not heard God's promise, "To any that desires the tilth of the Hereafter, We give increase in his tilth; and to any that desires the tilth of this world, We grant somewhat thereof, but he has no share or lot in the Hereafter" [Qur.42:20]? Have you not heard His statement, "Say to the believing men that they should lower their gaze" [Qur.24:30]? But you fix on the forbidden things an imploring gaze, or the gaze of one who regrets and questions why he has no legitimate access to them. And when you hear God's verse, "Some faces that Day will beam in brightness and beauty" [Qur.75:22], you are delighted

by it, as though the revelation of that verse was particularly meant for you; and when you hear a succeeding verse, "and some faces that Day will be sad and dismal" [Qur.75:24], you feel secure that the verse was meant for someone else. What is the source of this confidence? And what is the source of this aspiration? God! Fear God! This is deception barring your way to piety.'<sup>131</sup>

Ibn Muflih quotes several passages from the *Funūn*, which have to do with prayers to God petitioning him to provide for one's needs, and in which Ibn 'Aqil advises surrender to God's will. Here again, his meditations are the result of his own struggles against the vicissitudes of the times, so that the advice he gives is the result of his own experience and his own practice. In the first passage, he condemns the doctrines of the Naturalists. These passages, collected by Ibn Muflih are given here in succession:

God has incited to prayer, and this for many reasons: (His) presence, sufficiency, hearing, generosity, compassion, power. He who does not have such attributes is not invoked in prayer. And he who professes naturalism knows that one cannot say to the fire, 'Suffice me'; nor to the star, 'Restore my state of health'; because these things have an influence through their nature, not by virtue of a will. God prescribed prayer, and the seeking of a cure, in order to show the falsehood of the pantheistic naturalists. God said, 'And there is not a thing but its sources and treasures inexhaustible are with Us' [Qur.15:21], so that petition is made to Him alone. Then He wished to show the true natures of those whom He tested, calling on Abraham to sacrifice his son [Qur.37:107]; and He tested others, with the intention of having them pray to Him, and seek refuge in Him.<sup>132</sup>

To the petitioner, Ibn 'Aqil points out that he must be patient and not yield to anger when his prayers remain unanswered. He must instead surrender to God's will; for He knows best the welfare of His worshippers:

You deem slow God's answers to your prayers regarding your needs, which may well conceal evil influences in matters concerning your religion and your worldly interests. And you are angry that the object of your desire is delayed, though you are certain that He does not deny you out of greed, or avarice, or forgetfulness. And the truth of that is attested by His regard for you. There is no tongue articulating prayer, and no religious practice being performed, and no energy being used in accomplishing an act of obedience to God. How can this be, when the whole and the parts of you are completely dependent on serving Him, and your tongue fresh with the mention of Him? But, in His wisdom, he held back the request out of compassion for you, and for your own welfare. And He told you about this previously when He said, 'It may happen that you hate a thing which is good for

you, and it may happen that you love a thing which is bad for you. God knows, and you know not' [Qur.2:216]. You are the servant in need who fails to perform most of His commandments, and you do not find yourself slow in rendering the services due Him. Is this fairness: that someone like you should be slow in rendering the service due, and you do not criticise it in yourself; then you deem slow the Eternal All-Wise Creator in the matter of destinies, regarding which you do not know what influence they will have on you – whether seeking them will be ruin and perdition, or a state of happiness and righteousness?<sup>133</sup>

Ibn Muflīh states that Ibn 'Aqil, after commenting on the Qur'anic verse, 'Prove orphans (till they reach the marriageable age; then, if you find them of sound judgement, deliver over unto them their fortune; and devour it not by squandering and in haste lest they should grow up)' [Qur.4:6], makes the following exhortations:

God instructs you to be careful with your person, your secret thoughts, your possessions, by calling on you to be careful with the possessions of others. He imposed upon you as an obligation the practice of that caution, restraint, exploration, and an extra measure of review for every place you entrust with a secret, or possessions, or on which you rely, or a consultation from which you acquire an opinion. He also called your attention to what is yet more imperative than that; namely, that even if you reach the limit of understanding, of reason, and of experience, it may happen that the Creator may know your negligence in managing yourself. So when you do your utmost in performing desirable prayers, it is possible that He will give you according to what you requested, but will not allow free rein to giving according to your true wishes; rather He will withhold from you for your own good, and will make restrictions upon you in those things in which He is openhanded to others, for your own good. For you are under the guardianship of the Divinity as long as you are a servant of God. When He releases you from the noose of obligation to the law, He will set you free. But do not seek release while you are in confinement, nor free disposal according to your wishes while under guardianship, for you are not rightly guided as regards your own welfare. So be with God as an orphan with a close friend, and you will rest from the pains of resentment, and you will be free from the sin of protesting and following your own choice. And this is not possible for you except through intense research and study regarding your love and your value. When you have learned that you are, in relation to the divine wisdom and management, less by far than an orphan in relation to a friend, then it is right for you to entrust and to surrender, and you will rest from the pains of protest, the bitterness of

resentment, and the trouble of management. God has alluded to this in His statement, 'Enough is thy Lord for a Disposer of affairs' [Qur.17:65]. Know that you conduct yourself in the captivity of the divine decrees; if you remonstrate, you will wind up in those of the devil. To be in the captivity of One Who cannot be accused of being against you is better indeed than to be in two captivities: one from which you have no escape, and another into which you caused yourself to fall. Nothing is more shameful than one endowed with reason, whom God protects and confines as a close friend, for his own good, who then subjects himself to an enemy who makes the influences of his friend ugly in his eyes, causing him to resent him in order to spoil his relations with his friend.<sup>134</sup>

In the final passage of this collection, Ibn 'Aqil points out the opportune moment for the petitioning prayer. He speaks of moments of intense fear and abject poverty, both of which he himself had experienced:

Every state that God demands in the heart of the believer is an opportunity which the believer ought to seize, for it is the moment for the granting of a prayer. The presence of the mention of God in the heart of His servant is both a presence and a summons; and the best time for soliciting is at the summoning of kings. He whose poverty is so intense that he prays, or whose fear is so intense that he weeps, that is the time during which he ought to pray; for it is a time for granting the prayer, and a time of truth in a petition, and never did a truthful petitioner pray but that his prayer was granted.<sup>135</sup>

Ibn 'Aqil admonishes believers to avoid listening to the recitation of the Qur'an for any purpose other than to obey its prescriptions by making them part of their daily religious practices. And when he warns them not to listen to the melody of the Qur'anic chanters with the object of arousing their passions, he particularly has in mind the practice of the sham Sufis. The Qur'an is to be used as a guide-book in life on the way to salvation:

How fearful I am to so live with a sin that it becomes a means of cancelling my good works, and of falling from a standing I might have with God, after hearing His statement, 'Raise not your voices above the voice of the Prophet, (nor speak aloud to him in talk, as ye may speak aloud to one another, lest your deeds become vain and ye perceive not)' [Qur.49:2]. This shows that, in some ways of making a living and in the lack of propriety towards the revealed law, there is that which causes good works to be futile. The doer of good works is not aware that his work constitutes disobedience reaching the level of inefficacy. This situation leaves the intelligent person frightened and apprehensive, not daring to commit sins, for fear of what might ensue from this sort of punishment.

Is there not among us the Book of God, consisting of His words, regarding which the Prophet used to wrap himself with his garments to keep warm in anticipation of their revelation, and to which the jinn were eager to listen? God commanded that we let ourselves be guided by the Prophet's word, 'Listen to it with attention, and be silent while you harken' [Qur.7:204]. Thus He included every reciter. And this Qur'an exists among us. When He commanded us to be silent and to harken to the words of a created being, commanding people to be silent and harken to His own words would, *a fortiori*, be more worthy of obedience. The reciter recites the Qur'an while you avert your attention from it; or perhaps you listen to the melody with the object of arousing your passions. God! Fear God! Do not forget the decency which good breeding imposes upon you in this regard!

How fearful I am for you that the Qur'an be in your home while you are there committing acts prohibited by God the Truth – glory be to Him! His statement, 'But they threw it [i.e. the Qur'an] away behind their backs (as if it had been something they did not know)' [Qur.3:187; cf. 2:101]. The Ancients who forsook the words of God brought banishment down upon themselves and made themselves an object of hatred. God alerted you to being guided by His precepts through being guided by those of your parents. Following the precepts of parents makes following those of God obligatory, for He is the first bestower of benefits. God! Fear God! And do not neglect the moral obligation due to Him when hearing the recitation of the Qur'an, and intently harkening in order to understand it; rising to act in accordance with its prescriptions in fulfilment of the rights of God and men, when incumbent upon you; patiently bearing the burdens of responsibility when they appear; meeting afflictions with unquestioning acceptance when they descend upon you; and out of diffidence for the Truth in every give-and-take, since He called your attention to the reason for diffidence, saying, '(He is the First and the Last,) the Evident and the Immanent: (and He has full knowledge of all things)' [Qur.57:3]; 'Is it not enough that the Lord doth witness all things?' [Qur.41:53].<sup>136</sup>

## II. VIRTUE AND VICE

### 1. Virtue

#### *Manly Virtue*

It seems that Ibn 'Aqil has himself in mind in the following passage, when speaking of orphans and their treatment by those who care for them after their parents' death; it seems that he has Abu Mansur Ibn Yusuf in mind as the person of perfect manly virtue (*muru'a*), who had taken him under his wing. He seems also to be alluding to his persecution by a group of his fellow-Hanbalis:

The perfection of manly virtue consists in that you show the same regard for the heirs as you had shown for the deceased, for whom you had high regard; and that you increase, after his death, the regard you used to show them while he lived, so that the increase brings your regard for them up to the level you had for him. Do not give them cause to think that their standing has dropped because of the death of their provider. Be ample in your kindness towards the orphans, so that the bitterness of their orphanhood is blended with the sweetness of affection. The Fathers – God have mercy on them – used to take away the sadness of orphans and widows, and wipe away the degradation of orphans with all kinds of charitable gifts, so that they became as fathers and mothers to the orphan, not allowing him to be treated unjustly, and vying with one another to defend him. In short, the noble-hearted are such that the orphanhood of a neighbour's children is not noticeable among them, nor is the guest distinguishable from the residents.<sup>137</sup>

On manly virtue, Ibn 'Aqil quotes an anonymous saying: 'A man said to his son: "Learn humanism, for it improves the intellect, is an aid in the acquisition of manly virtue, and brings one together with friends in a gathering, though the humanist be in a foreign land."'<sup>138</sup>

#### *Humility and Courage*

For Ibn 'Aqil, Caliph 'Ali is the epitome of the virtues of humility and courage. He quotes two statements attributed to him in this regard:

Caliph 'Ali was asked, 'Why do you not wear new clothes, seeing that you are able to afford them?' He answered: 'As I see it, it is more expressive of humility.'<sup>139</sup> And when asked: 'Why do you not have a back made for your shield?', his answer was: 'Because I do not go to war with the thought of taking to my heels.'<sup>140</sup>

On humility, Ibn 'Aqil quotes a saying: 'He who humbles himself in search of learning gains esteem in being sought after.'<sup>141</sup>

### *Friendship*

In his sermons and meditations, Ibn 'Aqil addresses attitudes and mentalities found in the works of other humanists, such as Abu Haiyan at-Tauhidi, one of those intellectuals he otherwise accuses of heresy. And many of the problems he deals with are those which he himself has experienced. For he often complains of the inconstancy of contemporaries, their unreliability and lack of trustworthiness. The following passage, in which there is a definition of friendship, is indicative of wisdom acquired after long experience, and a realisation that one ought not to expect perfection in a friend, since one does not find it in oneself. Notice how Ibn 'Aqil draws an analogy between human friendship and man's service to God; be content in friendship with that with which God is content from you in your servitude:

I say that the definition of friendship ought to be the winning over of a self to your self, and of a soul to your soul. This definition saves you the trouble of seeking that which cannot be found in existence, because your initial self does not give you the pure good, unmixed with the infliction of harm. Therefore, from the self you win over to your self, you may not claim this measure. I have already shown the reason regarding the impracticability of pure serenity; namely, the difference in temperaments, the struggle in the four humours, and the diversity of seasons and foods. If the self that is won over is humid, clear in water and delicate in the air, he is heavy in the soil and sinks. If he is thin and pure of soul, he is thick and grimy of body. If he is of sound reason, he reels with passion. If he is humble with exhortation, he is stern with conceit. If he is delicate in his thoughtfulness, he is coarse in his heedlessness. If he is generous with hope, he is niggardly in despair. When the imperfections in a single person are incongruous to such an extent, how can one expect agreement and harmony of two persons who differ in physiognomy and character?

If this principle is established, it teaches us two lessons: to allow for excuses, by giving the others the benefit of the doubt, which preserves friendships; and to enter into a friendship in the knowledge that they are indeed friends, when there is a preponderance of those praiseworthy traits in one person and the 'other'. But to seek permanence and security from a state of unsettlement and disturbance in this regard, that is what has caused one to say, 'The term "friend" is a name of someone who has not come into existence.' Now if this follows with regard to all the names, it would necessitate the bankruptcy of all things named. As to calling oneself a servitor of God, while committing acts of disobedience, such behaviour is inconsistent

with reality. On the contrary, you are a servitor of God, by way of the evidence in the works of the Artisan which bespeak His Oneness in them, without an associate being involved with Him in bringing them into existence. But as for your being a servitor of God, by way of requiring the service due from the servitor to the One Served, this you have not been. Thus, one whose heart is not completely devoted to the name of servitor for a Lord who initiated him, bringing him into existence, nor devotes his soul wholeheartedly to a name by exhorting the soul with an obedient mind and resisting one's passions, what is wanted of such a person is that he at least be true to the name of 'friend'. Be therefore content in friendship with that with which God is content from you in your servitude, though you are not true to the name of servitor; for you are more consistent with being a servant to your passions, and to your Satan.

I do not limit myself, in what I have said, to human beings; on the contrary, every existent issuing from the Agent is not free of admixture, including foods and medicines, carriers of harmful and beneficial substances. And if this be the case in all of this, to require that which is beyond natural dispositions is to require the impossible; and that is a kind of stubborn zeal and pig-headedness. He who seeks the rare and the impossible only gives himself trouble, dulls his mind, and causes his judgement to go astray. It is shameful for a reasonable person to harm his mind intentionally, and to burden it with that which is of no use; there is enough harm in the trouble he rashly gives himself. It being that the soul demands perfection in friendship, in the way of life, and in other things that have come into existence in a defective state, it is inevitable that such perfection be within the power and knowledge of God, Who will bring it into existence at the Resurrection, and the divine willing of life everlasting, and the divine gift of eternal happiness.<sup>142</sup>

At this point, Ibn Muflih skips a section of Ibn 'Aqil's text, in which he says that Ibn 'Aqil, after going on to depict Paradise and Hell, continued as follows:

This essay may be brought to an end by saying, if you find yourself to have the attributes of true friendship and its stipulations, after self-criticism and self-searching as far as passions are concerned, and have not found a second for your Self, then blame, reprove, and censure all you want, and bewail the progeny of our times for being the sole individuals in this position. But if, on the other hand, you do not find these attributes in your Self, because of the failure of your constitution to carry them, speak no more of them. There can be no blame for that which does not come within one's power.<sup>142</sup>

There is here an allusion to the theological problem of obligation imposed beyond one's capacity (*taklif ma la yutaq*). Ibn Muflīh quotes the following words of Ibn 'Aqil, from another section of the *Funūn*, by way of concluding the passage: 'Friendship between men of reason is the kinship of an eternity; affection between strangers, a momentary joy.'<sup>142</sup>

### *Loyalty*

In the following two passages on loyalty, Ibn 'Aqil manifests his love for the Prophet and the Prophet's family, cognates and agnates, the Hashimis and the Talibis, and shows the lack of loyalty demonstrated by some of the Prophet's followers:

If your heart is telling you stories about the loyalty of the men of our times, it is surely relating false Traditions, and it is not telling you true stories. Here we have the Prince of Mankind who died having rights due him from the whole of creation, by virtue of his delivery of God's Message, and of his intercession in the Hereafter. God has said, 'Say: "No reward do I ask of you for this except the love of those near of kin"' [Qur.42:23]. Thanks to him, the hungry became sated; and thanks to him, the humbled became respected. But they annihilated his closest relatives; and his progeny vanished, some as captives, others killed; and his Companions were assassinated: 'Umar in the Mosque, and 'Uthman in his own home. Add to this the neglect of virtues: the rendering of justice, and the practice of continence. Wish, for those who come after you, the world which was that of the Fathers!<sup>143</sup>

The second passage is on the same theme:

When your mind tells you about people being loyal, do not believe it. Here we have the Prophet – God's peace and blessing be upon him – the person to whom mankind is most indebted. He taught them, fed the hungry among them, made strong their argument, and promised them intercession in the Hereafter, saying: 'For this I ask no recompense, except your friendship for my kin.' So they caused his children to perish, and they killed his Companions.<sup>144</sup>

### 2. Vice

#### *Hypocrisy and Signs of the Hypocrite*

This passage is cast in the form of a *fatwā*. A layman quotes the Qur'an on friendship, and jurisconsults on hypocrisy, and solicits from Ibn 'Aqil a *fatwā* reconciling both sources. In his response, Ibn 'Aqil gives a definition of hypocrisy. The layman addresses Ibn 'Aqil:

I hear God's admonition saying, 'Repel evil with what is better: then will he, between whom and thee was hatred, become as it were thy friend and intimate!' [Qur.41:34]. I then hear the jurisconsults consider as a hypocrite one whose outward manifestations are the reverse of his inmost thoughts. How can I obey God, and avoid hypocrisy?<sup>145</sup>

Ibn 'Aqil's answer interprets the cited verse in a sense recalling that of the New Testament's turning of the other cheek:

Hypocrisy consists in making a show of the good and dissimulating evil; it is the concealing of mischief, while making a show of benevolence, the more easily to bring off the mischief. The meaning of the Qur'anic verse is that one should manifest the good in return for evil, in order to bring about the good.<sup>146</sup>

In another passage, Ibn 'Aqil elaborates on the concept of hypocrisy:

If you were to know that the honour men pay you was hypocrisy, you would drop in your own estimation. Now would I be satisfied if you had the habit of treating me as part of a whole, as one of a crowd? No sooner do you enjoy the performance of good works, than you begin to enjoy being called, devotee and ascetic. Deplore yourself for that, for it is hypocrisy; no part of that is yours, except for the reputation you have been able to acquire. Do you know how many people there are, in the land-tax register, to whom no attention is paid except on the day of the final judgement? And how many of those, who have great names, will be exposed some future day, who now are called religious intellectual, devout, and ascetic? God save us from the parasite who, through his insolence, assumes a place in the forefront of men!<sup>147</sup>

On the signs of the hypocrite, Ibn 'Aqil says:

God said, 'They are as worthless as hollow pieces of timber propped up' [Qur.63:4]. That is to say, pieces of timber cut and stood up against the wall, unsteady and unable to stand on their own. They simply leaned on those who used to help them, and those from whom they sought support. 'They think that every cry is against them' [Qur.63:4] – because of their bad faith. 'They are the enemies' [Qur.63:4] – because of their capacity for doing evil through conversation and meddlesomeness.<sup>147</sup>

According to a passage from al-Hasan al-Basri (d. 110/728), which Ibn 'Aqil quotes, a hypocrite is recognised through certain characteristics:

Al-Hasan al-Basri said: 'Recognise the hypocrite through three characteristics: (1) when he reports, he lies; (2) when he makes a promise, he breaks it; (3) when he is entrusted, he betrays.' When 'Ata' b. Abi

Rabah [d. 114/732] had heard of this statement, he said: 'These three traits were all true of the sons of Jacob: they told him their tale, and they lied; they made him a promise, and they broke it; and he put his trust in them, and they betrayed him. Consequently, God caused them to repent' [cf. Qur.9:77]. When al-Hasan heard of this, he said: 'And above every possessor of learning, there yet is one more learned.'<sup>148</sup>

Ibn 'Aqil quotes a religious intellectual's statement, which he then interprets as productive of hypocrisy and pride: 'A religious intellectual once said, "Acts of obedience may result in acts of disobedience" – meaning, hypocrisy when performing the act, and pride after its performance.'<sup>149</sup>

### *Pride and Conceit*

Ibn Muflīh collected the following passages of Ibn 'Aqil on pride and conceit:

Pride is not joy, and joy does not detract from pious deeds. For the soul's delight is in serving the Lord – all might and glory are His! Such deeds have delighted intellectuals and gladdened men of culture. Likewise, it is related in the Prophetic Traditions that a man addressed the Prophet, saying: 'O Messenger of God, I was in the process of performing the ritual prayer when I was visited by a friend, and that made me happy.' The Prophet said: 'You are twice rewarded: the reward of the inner self, and that of the outer self.'

Pride consists in deeming excessive one's pious deeds performed in the service of God, and contemplating one's Self with the eye of pride. A sign of this is God's requirement, in the deeds of the saints, to await the miraculous sign, and the answer to prayers. This is revealed in the actions observed from the uneducated, who pass their hands over those afflicted with bodily defects and diseases, in the latter's belief of receiving a blessing, and other deceptions of this sort. Such a person, on receiving an affront, has gone so far as to say to God, by way of His having required it: 'Have you not guaranteed the victory of the believers?' But the ignoramus does not know who the victorious believer is; nor what is victory; nor what are the conditions of victory. Pride results from acknowledging achievement as due to oneself, while ignoring the graces of God; it results from being oblivious of His benefactions beyond measure. Otherwise, if man were to notice the continuity of the divine benefactions, he would make light of his own achievements, even if numerous, and he would meet His Benefactor with gratitude, and, forsaking his ignorance, would submit in obedience to Him. If the servitor knew to whom he owes obedience and whom he serves, he would deem it excessive for himself to aspire to that service, and would deem himself unworthy to

be among the angels of the seven heavens, praising the Lord, night and day, without let-up. Pride results also from the many ways of ignoring defects and weaknesses, for which one ought to feel shame to the utmost degree, and in fear of dismissal and repulsion, for the offensive person is alienated. Pride results also from regarding people with a disdainful eye, and devoting one's attention to the rebellious who lead a vagabond life. Were he to concentrate his attention on those who work in the ways of God, he would care little for himself. Such is the treatment of diseases, and the way to put an end to the agents of corruption in the performance of deeds.<sup>150</sup>

Observe God's gentleness towards His creatures: how He has endowed them, for their own welfare, with perceptions beyond cognition, with exigencies impelling them to do what is right and to refrain from evil and corruption. For instance, His creation of carnal appetite, and the excitement of nature to seek sexual intercourse, which is the way of evolution and the preservation of the species; of suffering, resulting from the feeling of compassion for animals, so as to refrain from engaging in causing pain to others, and to curb the assailant; and of making joy, resulting from praise – a motive for the performance of good deeds, since praise is given only for good. To this category belong all those things that remove harm and attract the good. He does not allow the good to lack the motives calling for its performance; nor does He allow the performance of evil deeds to go without taunts impeding their performance. Glory be to Him Whose generosity flows over with beneficence, in the knowledge that it is good and beneficial; Who wards off corruption in the knowledge that it is evil, and He can dispense with it; Who turns His creatures away from their courses, by various means in the here and now, as well as with His menaces of punishment in the Hereafter!<sup>151</sup>

### *Greed and Miserliness*

Ibn 'Aqil defines greed and miserliness:

Greed causes one to be attached to his possessions, and to resist their removal, because of the pain felt when he thinks of the decreased state of the remainder, and the failure to gain something in return. Miserliness causes the soul to miss experiencing every joy, and causes it to gulp down the lumps of deprivation.<sup>152</sup>

In the *Funūn*, Ibn 'Aqil cites a bedouin woman's description of miserly people: 'They rise to the ritual prayer without the muezzin's call, from fear that the call would reach the ears of possible guests'<sup>153</sup> during the ensuing meal. He then cites a poet's rendition of the theme:

They posted sentries on a hill,  
 'Keep to your posts', they gave commands;  
 'If someone approaches from afar,  
 Signal to us by clapping your hands.'  
 Silent, for fear of attracting a guest,  
 Their prayers, without a muezzin, were said.<sup>154</sup>

### III. MAXIMS AND APHORISMS

#### 1. On Society and Social Intercourse

Ibn 'Aqil speaks of the qualities necessary for the social graces and good social intercourse, and gives advice on what to do in order to avoid offending others. His advice is given in the form of maxims and aphorisms, twenty-two of which Ibn Muflih quotes from some of the lost volumes of Ibn 'Aqil's *Funūn*:

A principle of perfect personal graces is to search the soul and to remove from it all that is reprehensible and all that is offensive in social intercourse. If that is possible, well and good; otherwise, the repose of the people rests in your solitude and seclusion.

The insufferable person who socialises is an ailment to the body, a burden on the heart, a repression of the breath, and a blocking of the senses.

Pain strips the soul, let alone the mind; and squalor is the ruin of assemblies.

He who seeks to discover what people hide, uncovers the veils of poverty.

The heedless is of tremulous temper, overcome by wisdom.

The fool undermines the laws, causes the bad manners of teachers, and ridicules worldly and religious people.

The boisterous jester disturbs the dignity of meetings, and destroys the decorum of homes.

Nothing diminishes distinction like jesting.

Among good social graces is the elimination of bad odours, and keeping one's distance from social gatherings.

Many a courteous person among the participants in a social gathering was filled with anguish by the interference of a bore, ignorant of his insufferability to the participants.

Speak sparingly, and be a good listener.

Keep away from colleagues actively at work, when you begin to yawn and find yourself in the grips of drowsiness; for that would make them lazy, causing them to be listless.

One should select and examine one's words, before bringing them

out to be heard. How many a word caused blood to flow, and how many a preposition brought fury in its wake!

Beware of speaking on matters not within the sphere of your knowledge, for that would lower your worth, and uncover your place in life. Whereas, when silent, you are hidden under your tongue, and people's doubts about you pile up, with some thinking your silence points you out as a learned man. However, when the extent of your knowledge is revealed by your words, your worth is quick to decline.

Do not dine with a hungry man, unless by predilection; nor with a rich man, unless with good manners; nor with a guest, unless with a ravenous appetite and expansive cheerfulness.

Do not present anyone with what he finds offensive, even if giving him counsel; for that would turn him away from accepting your advice. Nor should you, in addressing him, use any name but that which he likes most.

Disregard the faults of people, for that would make for permanence of relations and the well-being of friendship.

Lessen your burdens on others by dropping your complaints.

When you find another's character trait to be reprehensible, avoid it in yourself; when you find it laudable, adopt it as your own.

Do not minimise the serious offence of others, for then you will become affected with fear; nor deem great their small misdeeds, for then you will despair. Give every offence its due of punishment, if within your power; or of blame and abandonment, if beyond it.

Do not require people to repay your kindness, as the vendor requires a price for his merchandise; nor should you reproach them for a favour you bestowed, for that would cancel it out, or muddy the clear waters of your kindness.

If you are capable of these traits in your social relations, well and good; otherwise, seclusion is better for you, and for others. By hiding yourself, you will be delivered from taking upon yourself the burden of sins, by avoiding the offences of mankind. And with this, I leave you with my greetings.<sup>155</sup>

The following passage concerns the kind of language that should be used when addressing intellectuals and when addressing laymen. Ibn 'Aqil quotes his former professor of grammar, and in his commentary gives a reason for the 'stupidity' often imputed to elementary school teachers: 'Our Master, Abu 'l-Qasim Ibn Barhan al-Asadi, used to say to his fellows [*sahib*, pl. *ashab*, i.e. his graduate students]: "Beware of using syntax when addressing the common people; for it would be like using the vernacular among the learned." Ibn 'Aqil comments that correct speech is lost on those who use corrupt speech, and that it is unlawful to cause knowledge to be lost, such being the import of the Prophetic Tradition: 'Teach the

people what they can understand; do you want God and His Apostle to be considered impostors?

Ibn 'Aqil then explains why stupidity was imputed to teachers: simply because they dealt with schoolboys on the level of students of advanced scholarship. And this is related to other advice on the use of language, based on ■ Prophetic Tradition:

It is an offence for an intellectual of strong substance, who has attained, through his great worth and his bright nature, knowledge which he has mastered and the burden of which he is able to carry, to train in it someone of weak substance, who cannot carry or tolerate it, for he will demoralise him. It is for this reason that the Prophet said, 'We, the prophets, are instructed to speak to people according to their intelligence.'<sup>157</sup>

'Cheerfulness puts minds at ease and invites acceptance; and frowning is its opposite. If there were any good in frowning, the Prophet would not have censured it.'<sup>158</sup>

## 2. On the Need for Discretion About One's Habits

Discretion about one's habits may save a person from becoming a victim of his enemies; and belief in omens can lead to one's harm, as the victim of tricksters:

No reasonable man should let his habits become known, lest it be turned against him, causing him harm; or let himself be known to have an inclination for something, which is then used against him. The story is told about a man who believed in omens. Some people got together to play a trick on him, by which to gain some money. One of the group went to him to ask him for some merchandise or for a loan, while his partners in the stratagem sat at a distance. One of these called out to another, 'Ask God for proper guidance, for this is a propitious moment'; and another agreed, 'Yes, this is only right.' When the man heard this, it strengthened his determination to grant the request. Another person used to eat whatever morsels of food he found. Poison was put into some morsels, which he ate and died. Therefore beware of enemies' stratagems<sup>159</sup> to assassinate.<sup>160</sup>

## 3. On Virtue and Vice

Dispersed throughout the extant *Funūn* are maxims and aphorisms, which appealed to Ibn 'Aqil in his readings, and on which he often comments. The following quotations are representative samples, from which I have omitted the *isnāds*.

### *From the Prophet Muhammad*

'Not one of these will enter Paradise: neither the miser, nor the traitor, nor the person of bad character.' Ibn 'Aqil comments that the Prophet is perhaps referring to the person who ill-treats his slaves and beasts by keeping from them what they need, or by meting out unbearable punishments of mutilation. This is shown by the Prophet's concern on his death-bed: 'Your prayers! Perform your prayers! I commit to your care the good fortune that your right hand possesses.'<sup>161</sup>

There is no envy except that regarding two kinds of men: one upon whom God bestowed wealth, which gave him the power to spend it in the cause of the Truth; and one to whom God gave wisdom, who makes use of it and teaches it to men.<sup>162</sup>

Five persons will be twice rewarded: [1] a man who believed in all of the revealed books, then came to know Islam and converted to it. He is twice rewarded: the reward of the first book, and that of the second. [2] A man who buys a girl slave, brings her up and teaches her, then frees her and marries her; he is twice rewarded. [3] A man who gives instructions that alms be distributed among his kinsfolk; he has the reward of almsgiving, and the reward of what he gave to his kin. [4] A man whom God has given religious knowledge, who acts according to it, and who teaches it to others; he is twice rewarded. [5] A slave who has discharged the duties God has imposed upon him, and who has discharged his obligations toward his masters, whom God has bestowed upon him; he is twice rewarded.<sup>163</sup>

The bane of conversation is mendacity; the bane of knowledge, forgetfulness; the bane of forbearance, insolence; the bane of worship, slackness; the bane of courage, tyranny; the bane of munificence, obligation; the bane of beauty, conceit; the bane of noble descent, pride; the bane of recent nobility, boasting; the bane of generosity, prodigality; the bane of religion, heresy.<sup>164</sup>

The Prophet asked the delegation of 'Abd al-Qais: 'What is manly virtue among you?' They replied: 'Continence and craftsmanship.' Whereupon the Prophet said: 'The best kind of acquisition for a man of good will is to earn one's living by one's hand.' He then said: 'Verily there is in the hand security from poverty.'<sup>165</sup>

Treat with respect my Companions, their successors, and their successors.

Lying will arise, so that ■ man will swear an oath without being asked, and will give testimony without being asked.

He who wishes to enter Paradise should cling to the congregation of worshippers, for God's hand is over them.

Satan is with a lone man, farther away from two.

Let no man take a woman aside, for the third will be Satan.

Whoever is gladdened by his good deed, and saddened by his bad deed, that man is a believer.<sup>166</sup>

Three things are at the origin of sin: pride, greed, and envy. Beware of pride; for pride prompted Satan not to prostrate himself before Adam. Beware of greed; for greed induced Adam to eat of the fruit of the [forbidden] tree. Beware of envy; for one of the two sons of Adam envied the other, and envy caused him to kill his brother.<sup>167</sup>

He who puts into practice the religious knowledge he knows is bequeathed by God the knowledge of what he does not know.<sup>168</sup>

Three things God guarantees not to do: 'God will never guide the snare of the false ones' [Qur.12:52]; 'God will never suffer the reward to be lost, of those who do right' [Qur.12:90]; 'God will never make prosperous the work of those who make mischief' [Qur.10:81].<sup>169</sup>

If he to whom you have done good has repaid you, well and good; but if he could not repay but praised you, he has repaid you.<sup>170</sup>

Fifteen traits would bring affliction to my Community. [1] If they devour the property of others by turns; [2] or take as booty a deposit in trust; [3] or alms tax as a fine that must be paid. [4] If a man obeys his wife, [5] but is disobedient toward his mother; [6] or is kind to his friend, [7] but harsh toward his brother. [8] If voices are raised high in the mosques. [9] If a man is honoured out of fear for his mischief. [10] If the leader of a people is the vilest among them. [11] If they wear silk, [12] drink intoxicants, [13] take on singing girls, [14] and musical instruments, [15] and if the last of this Community curses the first. Let them, after that, expect four things: violent winds, burning coals, a swallowing earth, and transmutation.<sup>171</sup>

#### *From the Prophet David*

Be to the orphan like a compassionate father. Know that what you sow, you shall reap. Know that the fatuous orator in the midst of an assembly is like an entertaining singer in a wake. Do not make a promise to your friend, then fail to keep it; for it will give rise to enmity between you. A man with a wicked woman as his wife is like an old man with a heavy burden on his back; whereas a man with a pious, gentle wife is like a young man with a crown ornamented with broad plates of gold.<sup>172</sup>

#### *From Caliph 'Ali*

Temptation comes from three paths: the love of women, for they are the sharp swords of Satan; the love of drinking, for it is the snare of Satan, the clever hunter; and love of the vanities of this life and of money, for they are the poisoned arrows of Satan. Thus the womaniser

is not granted the enjoyment of life; the drinker retires from this world and the next; and the lover of the vanities of this world, and its money, becomes their slave.<sup>173</sup>

Do not challenge anyone to a fight, but never fail to take on a fight when challenged; for the one who challenges is the oppressor, and it is he who is thrown to the ground.<sup>174</sup>

How many persons are beguiled into ruin by a show of kindness; and deceived by a show of modesty; and seduced by flattery! God put no one to the test except His angels.<sup>175</sup>

Fear is a cause of disappointment. Shyness is an obstacle to gaining a living. You must have patience; for the man of prudence adheres to it, and the impatient man comes back to it.<sup>176</sup>

#### *From Buzurgmehr*

I have seen nothing like patient endurance as a defence against the change of dynasties; nor like pleasantness, as a subduer of the envious; nor like the avoidance of jest, as a means of attracting respect; nor like arrogance and conceit, as a means of attracting contempt; nor like making jokes when seriousness is needed, as a means of wearing out manly virtue.<sup>177</sup>

#### *From Quss b. Sa'ida*

The intestine is satisfied with a tasty plant and a bit of diluted milk. He who oppresses you will find his oppressor. When you act equitably towards yourself, those above you will act equitably towards you. When you prohibit something, begin with yourself. Do not store what you do not consume, nor consume what you do not need. When you store away, let your stores and your treasure be nothing but your deeds. Seek not the advice of one preoccupied, or hungry, or frightened, even if quick-witted. Do not put a collar around your neck, which you cannot undo without great difficulty. When you dispute, be fair; when you speak, pursue a right and just course.

Entrust your secret to no one, even if a close relation. For if you do, you will not cease to be apprehensive, and the one entrusted has the choice to remain loyal or to betray, and you will be a slave to him the rest of your life. If he betrays you, you will have deserved it, and though he is the offender, he, not you, will be the one praised.<sup>178</sup>

#### *From al-Ahnaf b. Qais (d. 72/691) to His Son*

My son! There are eight types of men who, when treated with contempt, have only themselves to blame [the passage which follows has

only seven types, a copyist's *lapsus calami*]: he who comes to dinner uninvited; he who assumes an imperious attitude among members of his family in his home; he who seats himself in a place he does not merit; he who, uninvited, interferes in a matter between two persons; he who seeks good from evil persons; he who seeks kindness from his enemies; he who approaches the sovereign with boldness.<sup>179</sup>

*From al-Harith b. Kalada (d. 50/670)*

Al-Harith b. Kalada, a physician of the Arabians, was on his death-bed surrounded by a group of persons. Someone said to him: 'Give us some advice we can follow after your death.' He said to them:

Let no one among you marry, except a young woman; nor eat meat, except as a light eater;<sup>180</sup> nor eat fruit, except when ripe; nor overtire your bodies, for it will shorten your lifespan; nor should anyone among you have his sickness treated, so long as his body can bear it.<sup>181</sup>

*From 'Uba b. Abi Sufyan (d. 44/664) to His Sons' Tutor*

Let your correction of my sons be as your correction of yourself. For their imperfections are linked to yours. The good in them is modelled on what you do; the bad, on what you neglect. Teach them the Book of God; but do not force them to it, lest they become weary of it; nor excuse them from it, lest they forsake it. Of the Prophetic Traditions, instil in them the most noble; of poetry, the most chaste; and do not let them graduate to any other until they have mastered it; for the crowding of words against the sense of hearing causes the loss of understanding. Threaten them with me, but punish them without me. Prevent them from conversing with women; and occupy them with the biographies of the philosopher-physicians. Do not depend on me to grant your excuse the kind hearing you expect it to receive. But seek your reward through the enhancement of their education, and I will give it to you.<sup>182</sup>

*From al-Hasan al-Basri (d. 110/728)*

Al-Hasan (al-Basri) was asked: 'What is faith?' He answered: 'Abstention from sins against God, and generosity in the performance of the prescriptions of God.'<sup>183</sup>

Al-Hasan (al-Basri) used to say: 'Man<sup>184</sup> wakes up finding himself in the midst of a short-lived life of ease, a visitation of misfortune, and a fatal destiny.'<sup>185</sup>

Two blessings are of great value to the sons of Adam: inattention and unmindfulness. Were it not for these two traits, no two persons would go walking together.<sup>186</sup>

Al-Hasan al-Basri has already been quoted above<sup>187</sup> on the hypocrite being recognised through three characteristics.

*From 'Ali b. 'Ubaida ar-Raihani (d. 219/834)*

Ibn 'Aqil: 'I copied from the notes of Prime Minister Abu 'l-Qasim al-Husain b. 'Ali al-Maghribi [d. 418/1027]<sup>188</sup> the following maxims he had selected from the books of 'Ali b. 'Ubaida ar-Raihani [d. 219/834]':

He forsakes good for bad who is betrayed by his understanding, deserted by his reason, and squanders the stores accumulated through the ages. It is as though such a person has just been born, a product of the moment.<sup>189</sup>

The days of our lives are stairs leading up to the humanism of culture and refinement, and steps leading to the Greater Learning [*al-Fiqh al-Akbar*, i.e. *usūl ad-dīn*, 'the roots of religion']. He whose understanding is drawn from these days will be in need of none other than himself.<sup>190</sup>

There is in envy two evils: distress that makes a breach in the heart, and worry that takes hold of one's life. It is as though the coveter were isolated from God's protection.<sup>191</sup>

*From Abu Mansur ath-Tha'alibi (d. 429/1038)*

Love is a bird that picks only at the grains of the heart. It is the prerogative of the beloved to be coquettish, and the duty of the lover to be obsequious. Separation from the beloved is like the scorching of midday heat; and reunion, like the evening and morning breeze. Morning (*ṣabāh*) bestows the favour of meeting the beauties (*sibāh*).<sup>192</sup> [This last is a play on the two words, written exactly alike, the consonants alone written.]

*From Anonymous Wise Men*

'Ignorant we were brought into this world, unmindful we grew old in it, and loathing it we shall leave it.'<sup>194</sup>

The theme was then put into verse:

We entered it unwillingly and struggling;  
And growing up, our hearts were filled with loathing;  
We loathe it, and yet we leave it fighting.<sup>195</sup>

'He who asks forgiveness for one who has wronged him secures himself from God's punishment.'<sup>196</sup>

'False accusation is the harbinger of friendship's end, the summoner of malice, the robber of comfort; it is the first way station of abandonment by a friend.'<sup>197</sup>

'One wrongs the good-doer by giving him a gift.' Ibn 'Aqil comments: 'Whereas the good deed of the evil-doer is to cease his evil-doing.'<sup>198</sup>

'What causes men to perish is their love of glory and their escape from poverty.'<sup>199</sup>

'Place your confidence in your cunning more so than in your bravery; and in your caution, more comfort than in your valour. In war, one man of good judgement is more ideal than a thousand horsemen; for a horseman will kill as many as ten or twenty, whereas a man of good judgement may kill an army with his prudence and planning.'<sup>200</sup>

The ancient Arabians used to say:

Do you wish your spouse to train,  
After she's gone into dotage?  
When to endure a lot of pain  
Is to train a spouse of great age?<sup>201</sup>

And I [Ibn 'Aqil] say:

Do you wish to train your spouse,  
At the height of her youthful years?  
When to train the terribly headstrong  
Takes pain to the point of tears?<sup>202</sup>

'My proof for it [continues Ibn 'Aqil] is that a headstrong character can cause flight in panic; and the headstrong becomes all the more contentious for his lack of knowledge. If the advanced in years is difficult to train, it is in the final analysis a matter of habit. But this is mitigated by his lack of strength, by his gentle compliance – because too weak to put up resistance – and by the capacity of his knowledge and experience which helps him to accept and to respond to what is right.'<sup>203</sup>

'Attab b. al-Husain was asked: "With what weapon would you prefer to meet your enemy; a lance, a sword, or with bow and arrow?" His reply: "With a meeting indefinitely postponed!"'<sup>204</sup>

'Seven things are in need of seven: scenery is in need of appreciation; noble descent is in need of refinement; happiness is in need of security; kinship is in need of affection; knowledge is in need of experience; honour is in need of modesty; bold enterprise is in need of good fortune.'<sup>205</sup>

'Anxiety is one of our companions. Fear is the guardian of reputations. He incurs risk who is satisfied with his own judgement. Planning before acting is insurance against regret. The noblest wealth is to renounce desires. Patience is the shield of poverty. Affection is kinship gained. Peace of mind, before rehearsal, is contrary to prudence. The starting-point of estrangement is accusation.'<sup>206</sup>

'It does not behoove the man of reason to be dazzled by wealth, even if copious; nor by a woman, even if appealing to him; nor should he occupy himself with what he cannot put to good account, or with undertaking that which is beyond his capacity.'<sup>207</sup>

'Doubts are keys to intellects; and it is with doubt that certainty is prised open.'<sup>208</sup>

'An unguarded moment's anger entails the humiliation of having to apologise.'<sup>209</sup>

'Cheating is of two sorts: the cheating of high prices, and the cheating of bad products.' Ibn 'Aqil comments: 'So when you make a purchase, seek the excellent product, thereby removing one of the two sorts of cheating.'<sup>210</sup>

## IV. PHILOLOGY

### 1. Grammar

In the *Wadih* and the *Funūn* there are many passages that deal with grammar, the first of the disciplines in the fields of *adab* (humanism). The prepositions, usually found in the works on grammar, are listed one by one in the *Wadih*, with Ibn 'Aqil specifying their individual functions, and pointing out the use of some in the place of others. He lists the prepositions capable of several meanings: *man*: who, he who; *aiy*: whoever, whichever; *min*: from, of; *mā*: not, howl, what, that which; *an*: or; *ilā*: to, up to, including; *wa*: and, or, but; *fa*: then, so that, and; *thumma*: then, moreover; *ba'da*: after; *hattā*: up to, even; *matā*: when?; *aina*: where?; *haithu*: where, wherever; *idh*, *idha*: when, whenever.<sup>211</sup>

He then lists the prepositions that substitute for another: *fi* for *'an*; *bi* for *'an*, for *min*, and for *fi*; *li* for *'alā*, and for *ilā*; *ilā* for *ma'a*; *'alā* for *min*, and for *'inda*; *min* for *bi*, and for *'alā*; and *'an* for *min*.<sup>212</sup> In his *Funūn*, he gives an example of the preposition *'alā*, used in the place of *li*, on the authority of Abu Zaid [al-Ansari, (d. 215/830)], 'a philologist', who reports that the Arabians say *sif' alaiya kadha*, in place of *sif li [kadha]* ('describe such-and-such to me').<sup>213</sup>

After citing six verses by Bashshar b. Burd (d. 167/784) in his *Funūn*, he includes a comment on the morphology of the verb *tađū'u*, citing the grammarian Ibn as-Sikkit, as the authority for the form *tadi'u*, from *da'a/ yađi'u*, and hence *tađi'u*, as a variant form meaning *tađū'u*.<sup>214</sup>

He discusses the morphology of the verbs *wahama* (*wahima* being wrong), *auhama*; *wahala*, *yahila*; *sumirat*, *sumilat*, *samala*, *samara*.<sup>215</sup>

### 2. Lexicography

The following lexicon contains terms denoting psychological states, the meanings of which Ibn 'Aqil gives as follows:

*auhashanā fulān*, literally: so-and-so made us lonely (taken from the word, *al-wahsha*, loneliness) meaning: *inqibādun fi l-qalbi li-faqdi l-ma'lūf*, contraction of the heart arising from loss of the familiar.

*al-uns*, friendliness, sociability; means: *inbisātu 'l-qalbi wa-tuma'nīnatuhū ilā 'l-mahsus*, expansion of the heart and its reassurance with sympathetic feeling.

*al-qalaq*, agitation; means: *tatabbu'u ḥarakati 'l-qalbi li-muz'ij*, a precipitate beating of the heart arising from a troubling experience.

*al-wajib*, the throbbing of the heart; means: *ashaddu ḥarakati 'l-qalb*, the most intense palpitations of the heart.

*at-tuma'nīna*, calm, tranquillity; means: *sukūnu 'l-qalbi wa-da'atuh*, the tranquillity of the heart and its composure.

*at-tash'affi*, satisfaction of one's thirst for revenge; means: *darku 'l-qalbi gharadāhū mina 'li 'ntiqām*, the heart's achievement of its goal for revenge.

*al-ghaiz*, anger; means: *aifāhu talabu 'li 'ntiqāmi li 'l-ajzi 'an iqā'iḥ*, its harshest degree is the desire for revenge arising from inability to inflict it.

*al-mu'ākhadha*, punishment, censure, blame; means: *al-mujāzātu 'alā 'l-isā'a*, punishment for an offence.

*al-haimān*, madly in love; very thirsty; afflicted with the *huyām* sickness; means: *adh-dhahābu fi talabi gharadīn lā ghayata lahū*, going forth in search of some objective devoid of purpose.

*al-kalīf* 'sh-shaghif: the *kalīf* is one deeply in love.

*al-lahaj*, eagerness; means: *taṭallubu 'l-gharad*, the eager seeking of a goal.

*al-hamāqa*, stupidity; means: *ihmālu qawanīni 'l-ḥikma*, disregard of the canons of wisdom.

*at-tamannī*, wish, desire; means: *tatauwuhun bi 'l-amal*, casting about with hope.

*ash-sharah*, greed, avidity; means: *isrāfu 't-ṭab'i fi 'l-maṭlib*: dissipation of the natural disposition in pursuit of an object of desire.<sup>216</sup>

A Shafi'i, speaking on the meaning of the terms *inkāh* and *tazwīj*, says that he determines the question to belong to lexicography, that words are lexicographical conventions resulting from the legal qualifications. A long discussion follows, which shows the importance of lexicography in the interpretation of texts, and how language and religion are very closely linked.<sup>217</sup>

Ibn 'Aqil quotes a humanist-philologist (*ba'ḍ ahl al-adab*) on the meaning of *lau lam* and *lau la*,<sup>218</sup> and he quotes the Arabians on the following terms: *yatīm*, father dead, mother living; *laṭīm*, mother dead, father living; *'ajīb*, both parents dead; *'ayān*, brothers of the same father and mother; *aulad 'allat*, brothers of the same father but different mothers; *yatīm*, an animal whose mother is dead (in contradistinction to the human *yatīm*, see above).<sup>219</sup>

A great part of the first book of the *Wādīh* is given over to a lexicon of terms and their definitions, the most pertinent to the *Wādīh* being the tech-

nical terms which Ibn 'Aqil considers necessary for students who wish to study *uṣūl al-fiqh*. Now and then he goes off at a tangent, but does not forget to come back to his lexicon, which he continues to the end of Book One.<sup>220</sup> He also gives material for a lexicon in the *Funūn*.<sup>221</sup>

## V. POETRY AND A MEDITATION

Ibn 'Aqil was a consummate humanist. His humanism is nowhere more evident than in his love of poetry, recorded in his *Funūn*: the poetry of great poets, of anonymous poets, and some of his own verses. The anonymous poetry is usually introduced with *qāla 'sh-shā'ir* ('a poet said') or the word *li-ba'dihim* ('someone's (poetry)'); whereas his own is introduced simply with the word *shi'r* ('poetry'), or without introductory words, as in the case of the verses on the death of 'Aqil, his ten-year-old son. The poems cited represent a variety of genres, the themes of some of which mirror aspects of his life. Among the themes treated are the following: civic pride, and courage; beauty, love, and friendship; wine, women, and song; generosity, and miserliness; wealth, and poverty; vanishing youth, old age, and nostalgia; prison, and exile; injustice, and separation from loved ones; vicissitudes of time, fickleness of fate, the ephemeral character of the world; preparation for the last journey, death, and the hereafter. Some of these themes are represented in the following samples, in my translation; six are by poets named and anonymous, and four by Ibn 'Aqil.

### 1. A Sampling of Poems

#### Friendship

The following verses are those of Ibn Ja'far ar-Rasūl, of the West Side of Baghdad, about a friend who saved him from the humiliation of begging in order to keep body and soul together. Ibn 'Aqil could sympathise with the poet, for he too had suffered from poverty.

I have a friend who saw my indigence;  
And since that time, I am in want no more.  
He cared for me, when I had given up;  
I slept in peace, when he could sleep no more.  
He spent and spent, and kept me free from want;  
And hand and foot I had to kiss no more.<sup>222</sup>

Two friends blame each other for breaking off their friendship; one of them calls for a truce, and a resumption of their friendship, based on a recognition of mutual guilt for the break:

Come now! Leave off the blame and accusation,  
We've gone the limit blaming one another.  
Don't lay the blame on me to your exclusion:  
The blame is on us both, one and the other.<sup>223</sup>

### *Jest*

Ibn 'Aqil was not without his lighter moments, as one can see in these verses by an-Nu'aimi which attracted his attention, describing a ravishing beauty with a hefty derrière:

Who's seen the like o' my lady love;  
She's surely the ris'n full moon above.  
Today she begins to enter my door,  
Her derrière tomorrow, and then no more.<sup>224</sup>

### *Flirtation*

Among the first poems quoted in his *Funūn*, belonging to an anonymous poet, are three verses on a beauty laughing at an old rascal's attempt to flirt with her:

She laughed, though she had seldom laughed before,  
At the rascal with the hoary head, amazed.  
'Let not this hoariness surprise you, for  
'Tis the weak man's defence when up against a knave.  
Who lives must die, and I, with temples gray,  
Still fall for beauty, humble as a slave.<sup>225</sup>

### *Love at First Sight*

These verses are by an unnamed poet trying to convey his love by writing what he is speechless to express in the beloved's presence. Yet he remains incapable of keeping a steady hand, a victim of his inarticulate condition:

When I lay my eyes on you,  
Witnesses of my love are two:  
A heart that beats without respite,  
A tongue tied up in knots quite tight.  
My hand is stiff, can hardly move:  
Love hinders its expression of love.  
So if my writ cannot be read,  
Blame not my love, blame my hand instead.<sup>226</sup>

### *Love in Jurisconsults' Poetry'*

The following verses, by an unnamed poet, of the genre called 'juris-consults' poetry' (*shi'r al-fuqahā'*), make use of the alms-tax, legally due from those who can afford it, on the morning of the festival of the breaking of the fast ('Id al-Fitr), the morning following the last day of the fasting-month of Ramadan, on which day a *sā'* (measure of wheat) represents the *per capita* alms-tax due:

The alms-tax owed by every head,  
On the morn of the *Fitr*-Feast,  
According to our Prophet's say,  
Must be a measure of wheat.  
But as your head has higher worth,  
Its tax, by analogy,  
Are the pearls that shine through your parted lips,  
As fair as fair can be.<sup>227</sup>

### *Death of his Son, 'Aqil*

Ibn 'Aqil lost his son, 'Aqil, in 510/1116, the year he wrote the surviving volume of his *Funūn*, in which four *bait* (stanzas) are recorded:

Distracted from subsistence and delights,  
With sleepless eyes and long, long white nights,  
Because of my dreadful loss: 'Aqil's demise;  
No food to sustain the body, no sleep for the eyes.  
Yet am I steadfast, strong, and persevering,  
In face of the loss of someone so endearing,  
Through the grace of God, Lord of the Lofty Throne;  
For one who has been graced has naught to bemoan.<sup>228</sup>

### *Life's Heavy Blows*

A poet's verse about life's calamities strikes a responsive chord in the heart of Ibn 'Aqil, who had lost two sons, the second (mourned in the previous poem) in the same year as the recording of this verse:

Of all life's cruel calamities,  
That weigh us down with heavy heart,  
None have I found so hard to bear  
Than be from loved ones torn apart.<sup>229</sup>

### *Death Threat*

Ibn 'Aqil refers in these verses to men who wish for his death. Is not this poem a defiant answer to some members of *Sharif Abu Ja'far's* group still living?

Some men have wished me dead; sure I shall die,  
But I'll not be alone that road to ply.  
If only they had sense, they'd surely know,  
That they themselves among the next shall go.  
Their death at its appointed time will come,  
And surely hurling them to Kingdom Come.  
Tell those who miss the trip, 'Never you mind!  
Prepare yourselves, you'll not be left behind.'<sup>230</sup>

### *The Transient Material World*

Ibn 'Aqil admonishes those unmindful of the world's transient character:

Blind to this world, although you have your sight?  
Ignorant of its wares, though well-informed?  
You rise to build your home well into night,  
To leave it on the morrow barely warmed.  
If He had stopped you, Whom you know so well,  
In it, you would have known, you could not dwell.  
Build on ... but think, when labouring hard and long,  
That mortal men in graveyard pits belong.<sup>231</sup>

### *Desire for Deliverance*

Apprehensive at the weakness of old age, which would cause him to become a burden on others, Ibn 'Aqil prays with these verses for his deliverance:

Cause not, O God, a state for me to reach,  
In which I'd be without the strength to stand;  
Pray take me by the hand, ere I beseech,  
Imploring someone, 'Sir, give me your hand!'<sup>232</sup>

### **2. A Meditation in His Ninth Decade**

Having passed into the ninth decade of his life, Ibn 'Aqil experiences a deep sense of solitude. His peers have passed away. He awaits death, with no regrets, his mind focused on the resurrection. He consoles himself with hopes of meeting those who had gone before him. He reflects on bygone days:

In my youth I saw men with whom life was worth living: men such as Dinawari and Qazwini ... I saw the great jurisconsults: the likes of Abu 't-Taiyib at-Tabari, Ibn as-Sabbagh, and Abu Ishaq [ash-Shirazi]. I saw Isma'il, the father of al-Muzakki, give away in alms twenty-seven thousand dinars. I saw the well-to-do merchants, men like Ibn Yusuf, Ibn Jarada, and others; an-Nizam also, whose exploits dazzled the minds of men. Then I entered the ninth decade of my life, having lost the great men I have known, and finding only people who seem to have turned into misshapen midgets. I therefore thank God, for He has not caused me to leave a dwelling-place full of delightful pleasures. On the contrary, He takes me out of it at a time when there no longer remains for me a single object of desire. He thus spares me the sadness felt for that which I would have been missing; for to be left behind with other than one's peers is sheer punishment.

The only thing that helps me to endure the absence of the great masters is my contemplation of the Resurrection with the eye of certainty, and the trust I place in the promise of Him Who created them. It seems to me that I hear the Crier of the Resurrection, as I have already heard the call of the Announcer of their death. Far be it from Him Who created them, endowing them with their forms and their sciences, to be satisfied in giving them these few days of existence – days mixed, moreover, with all sorts of anguish – He being the Possessor of all things. Indeed not! God will be satisfied only by preparing a Feast which will bring them together around a Table worthy of His generosity: Felicity without end! Existence without death! Reunion without separation! Joy without sorrow!<sup>233</sup>

### Notes to Part Three

1. For more detail, see *ROH*, the section 'moral philosophy', esp. 341ff.
2. *Apud Badā'i*, III, 152–3. For the exile of this poet, see *A'lām*, VIII, 339.
3. *Funūn, apud Muntazam*, IX, 197–8, and *Dhail*, I, 183. Ibn 'Aqil goes on to say that his honorarium for the oath was fifty dinars, with a bonus of ten dinars.
4. See pp. 197–8 at n.85, Ibn 'Aqil's letter severely criticising the Prime Minister.
5. *Bada'i*, III, 176.
6. *Funūn, apud Ādāb*, III, 492–3.
7. See also Ibn 'Aqil, 106ff., 134ff.
8. *Ibid.*, 140ff., and 142n.1, when the *khuṭba* was passing from one claimant to another, between Muhammad and Barkiyaruq, as of the year 492.
9. *Ibid.*, 144–5.
10. According to the Chester Beatty MS; the copy of the Maimaniya Press adds: Ibn 'Ali; but this is Muhammad, Malikshah's son, who died in 511/1117, two years before Ibn 'Aqil.
11. *Apud Adhkiyā*, fol.49b.
12. *Funūn*, 237; *Meditations*, 157.
13. *Funūn*, 398. The 'Day of the Saqifa' is in reference to the 'porch' or 'covered gallery' of the Banu Sa'ida, a place at Medina, where the Ansar gathered, at the

- death of the Prophet, to choose a successor other than Abu Bakr, but were finally persuaded, by the future Caliph, 'Umar (*caliphate* 13–23/634–44), to accept Abu Bakr; see *Lexicon (R)* s.v. 'saqifa'; *EF*, 110a–b, s.v. 'Abu Bakr'; and *Supplement*, s.v. 'saqifa'.
14. *Funūn*, 295; *Meditations*, 154–5. Cf. below, the passage at note 74.
  15. *Funūn*, 286–9; only the last few lines of this passage are in *Meditations*, p. 154.
  16. *Funūn*, 109.
  17. *Apud Ādāb*, I, 175.
  18. *Ādāb*, I, 178–9.
  19. *Ibid.*, I, 183 (lines 2–3).
  20. *Mu'taqad, apud Ādāb*, I, 185.
  21. Read *laſſainā*, instead of *laqna*.
  22. *Funūn, apud Talbis* 149.
  23. *Funūn*, 730–1.
  24. *Ibid.*, 755 + 729–30, #746 + #704.
  25. *Ibid.*, 730 (lines 9–14). Hajjāj was known for his ruthlessness.
  26. *Ibid.*, 142.
  27. This Saljuq official, the founder of a well-endowed monastery named after him, served under the Saljuq Muhammad, and was the *shihna* of Baghdad under the latter's son, the Saljuq, Mas'ud (*Regnum* 529–47/1134–52). He died in 540/1146. See *Wafayat*, VI, 141, in the biographical notice of the Aiyubid, Salah ad-Din. Ibn Khallikan vocalises *Bihriuz* for this official's name; *RLL*, index, s.v. Bahruz, where the vocalisation should be corrected.
  28. *Muntazam*, IX, 117.
  29. *Funūn*, 165.
  30. *Funūn, apud Ādāb*, II, 164.
  31. *Funūn, apud Ādāb*, I, 153–5.
  32. *Ādāb*, I, 154.
  33. *Ibid.*, 154–5.
  34. *Irshād, apud Ādāb*, 194–5. Ibn Muflih says this passage came from the end of the *Irshād*, which means that Ibn 'Aqil's *Irshād* includes a section on the *Imāma*, dealing with sovereign authority and power, to judge by other contemporary works of the kind, such as Baqillani's *Tamhīd*.
  35. On the details of this gift, as related by Ibn Hubaira, see *Qabas*, 181.
  36. *Funūn, apud Yazid*, fols. 27b–28a.
  37. *Apud Ādāb*, III, 593–4; *Ibn 'Aqil*, 497–8.
  38. *Funūn*, 258; *Meditations*, 158.
  39. *Funūn, apud Ādāb*, II, 164.
  40. Meaning that whatever the legal guild membership of the religious scholar, he considers himself a follower of Ahmad b. Hanbal as regards juridical theology, i.e. *uṣūl al-fiqh*, the theory and methodology of the law.
  41. *Manaqib* 64–6; *Dhail*, I, 189; *Madkhal*, 38; *Ibn 'Aqil*, 480–1.
  42. On the diary in historiography, see *Historiography*.
  43. *Musti*, fols. 25b–26a. For detailed lists of Ahmad Ibn Hanbal's works, see *GAL* and *GAS*.
  44. *Apud Ibn Shabib, Musti*, fols. 25b–26a.
  45. *Apud Dhail*, I, 10.
  46. Read thus, instead of: Abu 'l-Hasan.
  47. *Apud Dhail*, I, 12; *Ibn 'Aqil*, 487–8.
  48. *Apud Dhail*, I, 22; *Ibn 'Aqil*, 490.
  49. *Funūn, apud Muntazam*, from *Dhail*, I, 31; *Ibn 'Aqil*, 490.
  50. *Apud Dhail*, I, 43; *Ibn 'Aqil*, 491.
  51. *Badā'i'*, III, 175; *Ibn 'Aqil*, 488–9.

52. *Apud Dhail*, I, 51–2; *Ibn 'Aqil*, 491–2.
53. *Apud Muntazam*, IX, 12–13; *Ibn 'Aqil*, 488.
54. *Apud Dhail*, I, 93; *Ibn 'Aqil*, 491.
55. Read: *yuwāqi'uhū*, in the plural instead of the singular.
56. *Funūn, apud Muntazam*, IX, 95–6.
57. *Apud Muntazam*, IX, 89; *Ibn 'Aqil*, 491.
58. *Funūn, apud Dhail* (Z), fol. 2b.; *Ibn 'Aqil*, 489.
59. *Apud Muntazam*, IX, 201.
60. *Funūn, apud Muntazam*, VIII, 251; *Ibn 'Aqil*, 481–2.
61. *Funūn*, 671–3; *Ibn 'Aqil*, 483–5.
62. On this official, see *Muntazam*, X, 202.
63. *Ibid.*, IX, 203.
64. Read: *fa-saṭṭarūhā*; instead of: *fa-shaṭarūhā*.
65. *Funūn, apud Muntazam*, IX, 67–8; *Ibn 'Aqil*, 485–7.
66. *Muntazam*, IX, 92; *Dhail*, I, 181–2; *Ibn 'Aqil*, 461–2.
67. *Talbis*, 138; *Zirāf*, 83; *Adhkiyā*, 61/fol. 49b); *Ighātha*, I, 134.
68. *Muntazam*, IX, 58; *Dhail*, I, 182–3; *Ibn 'Aqil*, 462–3.
69. Note that the *malik* ('king') in Baghdad, in Ibn 'Aqil's time, was one subordinate in rank to that of *sulṭān* ('sultan'), the latter being reserved for the caliph. Cf. 'Diary', #4, n.2 and #6, n.5; *Topography*, 186, n.4.
70. *Muntazam*, IX, 73–4; *Dhail*, I, 180; *Ibn 'Aqil*, 464–5.
71. *Apud Dhail*, I, 189; *Ibn 'Aqil*, 478; *Jilā*, 132.
72. *Apud Dhail*, I, 184; *Ibn 'Aqil*, 479–80.
73. *Funūn*, 100; *Ibn 'Aqil*, 494–5.
74. *Funūn, apud Muntazam*, IX, 92–3; *Ibn 'Aqil*, 495–6. Cf. above, the passage at note 14.
75. The wealthy Hanbali merchant, Abu Mansur Ibn Yusuf, supported financially and gave his protection to the Fellows of 'Abd as-Samad, and the Hanbalis generally.
76. *Muntazam*, IX, 93.
77. *Funūn, apud Ādāb*, III, 593; *Ibn 'Aqil*, 496–7.
78. *Funūn, apud Muntazam*, IX, 36.
79. *Ibid.*, IX, 4.
80. *Mu'taqad, apud Ādāb*, I, 268.
81. i.e. 'I testify that there is no god but God alone, and that Muhammad is His Messenger.'
82. *Badā'i'*, III, 176.
83. Hanbali Sufi and jurisconsult, disciple of Ibn Taimiya.
84. *Turuq*, 106.
85. *Muntazam*, IX, 85–6; *Dhail*, I, 178–80; *Ibn 'Aqil*, 465–7.
86. Ibn 'Aqil is referring to the coming of the Saljuqs, which made the appointment of a Hanafi jurist as Chief Judge a political expedient at the time (the Saljuqs being Hanafi), in preference to better qualified jurists from among the Shafi'iis.
87. *Muntazam*, IX, 210–11; *Ibn 'Aqil*, 468–70.
88. *Apud Muntazam*, IX, 211–12; *Ibn 'Aqil*, 470–1.
89. *Talbis*, 133; *Ibn 'Aqil*, 472.
90. See *Sahīh, 'Stipulations'* (*shurūt*), 15.
91. *Muntazam*, IX, 184–5; *Ibn 'Aqil*, 473.
92. *Khaṭṭ, apud Muntazam*, VIII, 245 (lines 6, 24)–246 (line 1).
93. *Talbis*, 123; *Delusions*, X, 34; *Ibn 'Aqil*, 477.
94. *Funūn, apud Muntazam*, IX, 98–9.
95. *Ibid.*, VI, 100.
96. *Ibid.*, VI, 105.

97. *Muntazam*, IX, 90.
98. *Funūn, apud Muntazam*, IX, 4.
99. See *Opuscules*, where Ibn 'Aqil's treatise on the Qur'an is directed against Ash'arism.
100. *Funūn, apud Muntazam*, VIII, 185.
101. *Funūn, apud Muntazam*, VIII, 282.
102. *Funūn, apud Ādāb*, III, 125–6.
103. *Hawā*, 310–11.
104. *Funūn, apud Ādāb*, III, 245 (lines 1–3).
105. *Ibid.*, III, 244.
106. *Apud Ikhna't*, 40, and *Ikhna't*, margin, 287–8; *Sīrāt*, 328.
107. *Funūn, apud Ādāb*, II, 335–7, and III, 402–4.
108. For other superstitious practices, see below, *Magic and Superstition*.
109. *Talbīs*, 402; *Rauda*, 54–5; *Hadīya*, 57.
110. *Rauda*, 55.
111. *Funūn, apud Ādāb*, III, 70.
112. *Ibid.*, III, 244.
113. *Nisā'*, fol. 20a.
114. *Ibid.*, fol. 33b.
115. *Muntazam*, 157–8.
116. *Funūn, apud Muntazam*, IX, 229–30.
117. See *RLL*, no. VII, 123.
118. *Ibid.*, 90–1.
119. For the texts of these and other passages, see *Talbīs*, 372–6.
120. *Dhail*, I, 187.
121. *Talbīs*, 152; *Meditations*, 159.
122. *Talbīs*, 360; *Meditations*, 159–60.
123. *Funūn, apud Talbīs*, 279–80.
124. *Qussās*, 29b–30a = pp. 26–7.
125. *Ibid.*, 85b, 116.
126. It appears to have thus been understood by Ibn Taimiya.
127. *Qussās*, 116, 85b.
128. *Funūn*, 873; *Meditations*, 160.
129. *Funūn*, 481–5.
130. *Ibid.*, 535–6; *Meditations*, 161.
131. *Funūn, apud Ādāb*, I, 170–2.
132. *Ibid.*, II, 292.
133. *Ibid.*, II, 292–3.
134. *Ibid.*, II, 293.
135. *Ibid.*, II, 294.
136. *Ibid.*, II, 328–9.
137. *Ibid.*, III, 336.
138. *Funūn*, 40.
139. There is also here an allusion to 'Ali's honesty, with respect to the Public Treasury.
140. *Funūn*, 38.
141. *Ibid.*, 38 (line 14).
142. *Funūn, apud Ādāb*, III, 586–8.
143. *Ādāb*, III, 592.
144. *Apud Yazīd*, fol. 19a.
145. *Funūn, apud Ādāb*, I, 59.
146. *Ibid.*, I, 152.
147. *Ibid.*, I, 7.

148. *Funūn*, 39.
149. *Ibid.*, 572.
150. *Ādāb*, I, 149–50.
151. *Ibid.*, 150–1.
152. *Funūn, apud Ādāb*, III, 317.
153. *Funūn*, 748.
154. *Ibid.*, 748 (lines 8–10).
155. *Funūn, apud Ādāb*, III, 594–5.
156. *Akhbar(H)*, 77–8.
157. *Funūn, apud Ādāb*, II, 164.
158. *Funūn*, 635.
159. Read: *ightiyāl*, instead of: *ightifāl*.
160. *Funūn, apud Ādāb* III, 592–3.
161. *Funūn*, 37.
162. *Ibid.*, 758.
163. *Ibid.*, 52–3.
164. *Ibid.*, 599.
165. *Ibid.*, 72.
166. *Ibid.*, 214.
167. *Ibid.*, 571.
168. *Ibid.*, 575.
169. *Ibid.*, 598.
170. *Ibid.*, 666.
171. *Ibid.*, 666.
172. *Ibid.*, 56–7, #66 + #67.
173. *Ibid.*, 54–5.
174. *Ibid.*, 756.
175. *Ibid.*, 43.
176. *Ibid.*, 658.
177. *Ibid.*, 53. On Buzurgmehr, see article in *EP* (by H. Masse).
178. *Funūn*, 596. On Quss b. Sa'ida (d. 23 before Hijra/AD 600), see *A'lām*, VI, 39.
179. *Ibid.*, 39. On al-Ahnaf b. Qais (d. 72/691), see *A'lām*, I, 262.
180. Read 'qāniṭān' for the undeciphered word.
181. *Funūn*, 724. On al-Harith b. Kalada, see *A'lām*, II, 159.
182. *Ibid.*, 739–40. On 'Utba b. Abi Sufyan (d. 44/664), see *A'lām*, IV, 360.
183. *Ibid.*, 50.
184. Lit.: 'The son of Adam'.
185. *Ibid.*, 594.
186. *Ibid.*, 648.
187. See pp. 233–4 at n.148.
188. Prime Minister of the Buwaihid, Mushrif ad-Daula.
189. On Raihani (d. 219/834), see *A'lām*, V, 125.
190. *Funūn*, 750.
191. *Ibid.*, 751.
192. *Ibid.*, 751.
193. *Ibid.*, 670.
194. *Ibid.*, 40.
195. *Ibid.*
196. *Ibid.*, 50.
197. *Ibid.*, 53.
198. *Ibid.*, 40.
199. *Ibid.*, 599.
200. *Ibid.*, 756.

- 201. *Ibid.*, 572.
- 202. *Ibid.*, 573.
- 203. *Ibid.*
- 204. *Ibid.*, 598.
- 205. *Ibid.*, 624. Read *al-jadd*, instead of *al-jidd*.
- 206. *Ibid.*, 719.
- 207. *Ibid.*, 731.
- 208. *Ibid.*, 734.
- 209. *Ibid.*, 734.
- 210. *Ibid.*, 79.
- 211. *Wadih*, I, 58–60.
- 212. *Ibid.*, I, 64–5.
- 213. *Funān*, 651.
- 214. *Ibid.*, 594–5.
- 215. *Ibid.*, 600.
- 216. *Ibid.*, *apud Adab*, III, 126.
- 217. *Funān*, 513–14.
- 218. *Ibid.*, 574.
- 219. *Ibid.*, 576–7.
- 220. *Wadih*, I, 163.
- 221. *Funān*, 666.
- 222. *Ibid.*, 44.
- 223. *Ibid.*, 599.
- 224. *Ibid.*, 43.
- 225. *Ibid.*
- 226. *Ibid.*, 612.
- 227. *Ibid.*, 670.
- 228. *Ibid.*, 620.
- 229. *Ibid.*, 61.
- 230. *Ibid.*, 624.
- 231. *Ibid.*, 665.
- 232. *Ibid.*, 723.
- 233. *Funān*, *apud Muntazam*, IX, 214; *Dhail*, I, 199; *Ibn 'Aqil*, 498–9.

## CONCLUSION

The eleventh century in Baghdad, cosmopolitan centre of culture of the Islamic world, is a Traditionalist century of great importance for the political and religious history of classical Islam, as well as for its institutional and intellectual history. In the political and religious realms, it brought the answer to the *Mihna* and the Rationalist policy of al-Ma'mun. The edicts and the creed of al-Qadir put their definitive Traditionalist imprint on Islam. In the institutional and intellectual realm, the movement of scholasticism, with its Traditionalist guilds of law, its professional institutions of learning, and its scientific scholastic method, reaches its highest point of development. It has a decisive influence on the civilisation of classical Islam, and beyond it, on the Latin Christian West, in both the intellectual and religious realms, a development discussed in detail in two previous books, *The Rise of Colleges* and *The Rise of Humanism*.

The triumphant Traditionalism of eleventh-century Baghdad was not itself without a significant contribution from Islamic Rationalist thought. A secure place for reason had to be made in the make-up of Traditionalism; reason had to be accepted as a genuine constituent element of its composition. Traditionalism received this element from its first ancient adversary, Rationalist Mu'tazilism, in the persons of its own members, as early as the fourth/tenth century. Abu 'l-Hasan at-Tamimi, known to have been a Mu'tazili, was the grandfather of one of Ibn 'Aqil's professors, Abu Muhammad at-Tamimi. Qadi Abu Ya'la, Ibn 'Aqil's Professor of Law, came from a Mu'tazili family; his father, a Hanafi jurisconsult and Mu'tazili theologian of *kalām*, died when Abu Ya'la was ten years old. Abu Ya'la is the first Hanbali known to have written works on *kalām*, of which the *Mu'tamad fi uṣūl ad-dīn* is but an abridged version of a larger inextant work. Thus Ibn 'Aqil was not the first Hanbali with a Mu'tazili background. But it is he who knew how to integrate into the movement of Traditionalism the elements necessary to revitalise the juridical theology of Shafi'i – *uṣūl al-fiqh*, for classical Islam.

The affair of Ibn 'Aqil, within the Hanbali guild, illustrated, in the persons of the Sharif and Ibn 'Aqil, two orientations of Traditionalism: one fideist, the other intellectualist. Of the two, the latter influenced the

development of Traditionalism throughout the classical period of Islam, up to the end of the fourteenth century. Thus the Hanbali legal guild, in the eleventh century, had received an infusion of intellectualism in the persons of two of its guild heads: Qadi Abu Ya'la and Ibn 'Aqil. Both had issued from a Mu'tazili family background, and both had a lasting influence on the development of Hanbali thought, as seen in the Taimiya *Musauwada* on *uṣūl al-fiqh*, wherein they are cited hundreds of times, compared with a single citation for Sharif Abu Ja'far. Majd ad-Din b. Taimiya, the first of the three authors of this important work, all of whom were members of the Taimiya family, gave Ibn 'Aqil's *Wādīh* the highest praise, as was to do, in the twentieth century, the Hanbali, Ibn Badran, in his *Madkhal*.

This intellectualist trend, in the bosom of Hanbali Traditionalism, was aided by the onslaught of renewed Rationalist thought, epitomised by the Mu'tazilism of an 'Abd al-Jabbar, and the Ash'arism of an Abu Tahir al-Baghdadi, calling forth the policy of Caliph al-Qadir, in support of the Traditionalist religious intellectuals. The intellectualist trend of Traditionalism was not achieved without controversy and danger, within the Traditionalist camp, as in the case of Ibn 'Aqil. It is in the intimate notations of the Diary of Ibn al-Banna' that one is privy to thoughts that do not usually find their way into the published annalistic histories and biographical works based on the diaries. Ibn al-Banna's *Diary* shows the Sharif suspecting of Mu'tazilism one of his own guild's patrons, Ibn Ridwan. He could have had an even greater suspicion of Abu Mansur Ibn Yusuf, generous patron of the Hanbali guild, and protector of Ibn 'Aqil. He could not have sympathised with Abu Ya'la, whose assistant he was, but who had a preference for Ibn 'Aqil, the brilliant disciple. Both the Sharif and Abu Mansur died by poisoning: Abu Mansur, presumably by partisans of the Sharif; and the Sharif by partisans of the late Abu Mansur. Ibn 'Aqil escaped execution but the threat of assassination, followed him to the last years of his life, as seen in one of his poems. On his death-bed, moments before he took his last breath, on 12 Jumada I, 513 (20 August 1119), with the ladies of the family weeping, he said to them: 'I have been held back from my death for fifty years. Let me now rejoice in meeting Him!' He had lived, he felt, on borrowed time for half a century.

In a way, both Abu Ja'far and Ibn 'Aqil were victims of circumstances. Both worked for the good of the Traditionalist movement, with equally fundamental and profoundly sincere convictions. The fideist Traditionalism of the Sharif clashed with the intellectualism of his younger colleague, whom he held in high suspicion as a diabolic influence on the Hanbali youth. This attitude toward intellectualism was carried through to the thirteenth century in Damascus, with Ibn Qudama's *Tahrīm*, warning of the heretical influence of Ibn 'Aqil's pre-Retraction writings on the Traditionalist Damascene youth. For his part, Ibn 'Aqil admired and respected the

Sharif for his faith, and for his courage in carrying out the principle of ordering the good and prohibiting evil. However, he knew that Rationalism had to be faced and fought with its own weapons; he knew that to convince the adversary, argumentation had to be practised on the basis of the adversary's own principles.

Thus the infusion of intellectualism, even though fundamentally Traditionalist, into the Hanbali guild of law, was not achieved without a price to pay. Traditionalism had its adversaries to confront in the Rationalist camp, especially Ash'arism. In the intellectual sphere of eleventh-century Baghdad, the struggle continued between the two forces, a clash of two antagonistic religious movements within the guilds of law, contending for control over the process of determining orthodoxy in Islam. But despite the hostility displayed, the struggle had its salutary side: religious intellectuals were kept occupied with the exchange of ideas from the time it began in the eighth century, to the end of the fourteenth century, which closed with the end of classical Islam. It was a period rich with the exchange of ideas, a lively period in which there was an abundant harvest of books in the religious sciences and literary arts.

Ibn 'Aqil had great admiration for Ibn Hanbal's scholarship (*ijtihād*), opposing, when necessary, even the opinions of the *Salaf* (Fathers) when the demands of scholarship required it in search of the truth. For him, Ibn Hanbal's genius consisted in his ability to extract the law from the Prophetic Traditions, a genius he admired, as evidenced in his familiarity with the charismatic leader's works. From the perspective of the eleventh century, he could see that Shafi'i and Ibn Hanbal were as necessary to the strength and vigour of Traditionalism as were reason and authority, the two necessary pillars on which he believed orthodoxy must seek its support. As an intellectualist, he insisted on the use of reason and authority on an equal footing, maintaining reason's importance in search of the truth, boldly enumerating its rights, in the face of the fideism of fellow-Traditionalists. His loyalty to the Hanbali guild, despite the hostility of the Sharif and his group of partisans, is due to his devotion to Shafi'i and Ibn Hanbal, as much as to Abu Mansur, his patron-protector, and to Abu Ya'la, his professor. Nevertheless, his early upbringing and education as a Hanafi-Mu'tazili remained deeply etched in his memory, and he recalled with fondness and pride his family background, as he did his admiration for the early Sufis (no doubt including Hallaj, but passing in silence over the mention of his name), and keeping his vow of repentance not to relapse by promoting Mu'tazilism.

The centuries-old struggle between the two antagonistic movements in Islam, Traditionalism and Rationalism, to control the process of determining orthodoxy, is seen in the development of the religious science of *uṣūl al-fiqh*, a science the elements of which Shafi'i brought together in his *Risāla*, and to which the *Wādīh* of Ibn 'Aqil added, from natural theology, a

circumscribed scope as a necessary propaedeutic. As an intellectual heir of Shafi'i, Ibn 'Aqil wrote his *Wādīh* in the same spirit as that of his predecessor. He greatly admired the work of Shafi'i, whom he called 'the father and mother of *uṣūl al-fiqh*', and to the spirit of whose science he dedicated himself, updating *uṣūl al-fiqh* in order the better to oppose the Rationalists. He knew the extent of Shafi'i's achievement in Traditionalism against the Rationalism of his day; in turn, he strove to achieve the same for his own times. As Shafi'i's *Risāla* had been an antidote to Mu'tazili *kalām*, Ibn 'Aqil's *Wādīh* served as antidote to such works as those of 'Abd al-Jabbar and 'Abd al-Qahir al-Baghdadi.

The science of *uṣūl al-fiqh* is, par excellence, the religious science of classical Islam. With Ibn 'Aqil, it reached the height of its development in the eleventh century, and continued its course for a time on a plateau, so to speak, before it began to decline, towards the end of the fourteenth century. At this time the proliferation of commentaries, glosses and superglosses, reduced the discipline to a mere school exercise, which had gradually lost touch with the problems of daily life. In that century, as discussed in the *Rise of Colleges*, the governing power succeeded in bringing the *muftī*-jurisconsults within its orbit, by establishing *Dar al-'Adl* ('The Palace of Justice'), employed as salaried *muftīs*, effectively divesting them of their autonomy. From this point on, the freedom of the *muftī*-professor of law began to be reduced, never again to be fully restored. The government had finally found a way to muzzle the professors of legal opinions (*fatwās*). By the time of the sixteenth-century Sha'rani, *uṣūl al-fiqh* had long ceased to fulfil the function for which it was created. Even its purely legal function had become modified. The essential function of dissent (*khilāf*) in the process of consensus (*ijmā'*) had long been neglected; and agreement and conformity (*ittifāq*), as promoted by religious leaders such as Sha'rani, had taken its place. The situation on the political scene was aided by the inherently static nature of the charitable trust, the 'dead-hand', 'mainmorte', *waqf*, easily substituting a static Islam for the dynamic. *Uṣūl al-fiqh* had continued to prosper in Islam, in touch with the realities of life, as long as jurisconsults could freely issue their dissenting opinions, and argue freely in the arenas of disputation; as long as dissent and consent continued to exist in a free give-and-take atmosphere of argumentation and debate. From the eighth century of Shafi'i's *Risāla*, through the eleventh century of Ibn 'Aqil's *Wādīh*, and up to the fourteenth century of the Taimiya *Musauwada*, *uṣūl al-fiqh* is a science energised by the exchange of ideas among Muslim intellectuals in autonomous touch with the daily life of the Community of Believers. With the end of the fourteenth century, this exchange began to decline, as the seeds of change from the dynamic to the static began to take root.

It is to be hoped that the present-day study of *uṣūl al-fiqh*, among contemporary scholars of Islam imbued with a deep sense of dedication to

their professional calling, will continue to give new life and new meaning, in conformity with the needs of the day, to this most original and fundamental of Islamic religious sciences.

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Abbreviations used for names: A. = Ahmād; 'A. = 'Alī; AA. = 'Abd Allāh; 'AR. = 'Abd ar-Rāhīm; 'A = 'Abd (when immediately followed by a capital letter of the alphabet, for example 'AAzīz, 'AMalik, 'AMuṭṭalib, and so on); a. = Abū; b. = Ibñ; b. a. = Ibñ Abī; H. = Ḥasan; Hu. = Ḥusain; Ibr. = Ibrāhīm; Ism. = Ismā'il; M. = Muḥammad; Q. = Qāsim; Sul. = Sulāimān; 'U. = 'Umar; 'Uth. = 'Uthmān; 'UAllāh = 'Ubād Allāh; Ya. = Yāḥyā; Yū. = Yūsuf.

Not considered in the alphabetical arrangement are: the definite article, *al-*, *ar-*, *as-* and so on, and elided, *'l-*, *'r-*, *'s-* and so on; b. for ibn; the letter *'ain (')*; the *hamza (')*; letters or words following the first comma or hyphen, or in parentheses.

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